



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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May 11, 2023

## MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Lance Harris, 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 April 20, 2023, Notice of Intent that was promulgated on pages 705-710 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 July 20, 2023, 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)

Shan N. Davis  
Executive Director

Cade Brumley  
State Superintendent

- C: Lily Dugas, 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

# Notices of Intent

## NOTICE OF INTENT

### Department of Civil Service Board of Ethics

#### Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures to make amendments to the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and Section 1115.1C of the Code of Governmental Ethics.

#### Title 52 ETHICS

#### Part 1. Board of Ethics

#### Chapter 17. Code of Governmental Ethics

#### §1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2022, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$77.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 49:

#### Family Impact Statement

The proposed Rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

#### Poverty Impact Statement

The proposed Rule changes have no known impact on poverty, as described in R.S. 49:973.

#### 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.

#### Small Business Analysis

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:956.6.

#### Public Comments

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, LA 70821, telephone (225) 219-5600, until 4:45 p.m. on May 10, 2023.

Kathleen M. Allen  
Ethics Administrator

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Food and Drink Limit

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

The estimated cost to implement the proposed Rule change is \$320 in FY 22-23, which accounts for the cost to publish the Notice of Intent and the Rule in the State Register. The proposed Rule will create no other estimated implementation costs or savings to state or local governmental units. The proposed Rule provides for raising the monetary limit on the receipt of food and drink by a public employee and public servant from seventy (\$70) dollars to seventy-seven (\$77) dollars pursuant to Section 1115.1C of the Code of Governmental Ethics.

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

The proposed Rule will have no anticipated 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)

The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.

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

The proposed Rule change will have no anticipated effect on competition and employment.

Kristy Gary  
Deputy Administrator  
2304#065

Evan Brasseau  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Biocontaminants, Hazardous Materials,  
and Procedural Requirements for Documentation  
(LAC 28:CLXI.103 and 1901;  
CLXV.103, 309, 311, and 313)

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:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations* and LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed Rule revisions provide a definition of biocontaminants and set forth safety requirements regarding biocontaminants and hazardous materials to be followed by family child care

providers, in-home child care providers, public schools, and BESE-approved nonpublic school child care centers. Additionally, the proposed revisions provide the required information that must be maintained in a cumulative file. Finally, the aforementioned revisions set forth policy and procedural requirements regarding shaken baby syndrome, abusive head trauma, and child maltreatment.

## **Title 28 EDUCATION**

### **Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations**

#### **Chapter 1. General Provisions**

##### **§103. Definitions**

\* \* \*

*Behavior Management*—the ongoing positive process of helping children develop inner control so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the inappropriate behavior.

*Biocontaminants*—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:

#### **Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards**

##### **§1901. General Safety Requirements**

A. - R. ...

S. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

1. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

2. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

3. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

4. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.

5. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of each day or launder the clothes at the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:

### **Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs**

#### **Chapter 1. Child Care Assistance Program**

##### **§103. Definitions**

\* \* \*

*BESE Bulletin 137*—Louisiana Early Learning Center Licensing Regulations.

*Biocontaminants*—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:

#### **Chapter 3. CCAP Provider Certification**

##### **§309. Specific Certification and Registration**

###### **Requirements for Family Child Care Providers**

A. - A.16.b. ...

17. Hazardous Materials and Other Items that Can Be Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

18. - 28.k. ...

29. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

30. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be

reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

31. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:

**§311. Specific Certification Requirements for In-Home Child Care Providers**

A. - A.15.b. ...

16. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

17. - 27.k. ...

28. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

29. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

30. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedure to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018, amended LR 47:1282 (September 2021), LR 49:

**§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers**

A. - A.12.b. ...

13. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

14. - 22.k. ...

23. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

24. - 25. ...

26. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

27. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015),

amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, amended LR47:1284 (September 2021), LR 49:

### **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 the 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, May 10, 2023, 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: Biocontaminants, Hazardous Materials, and Procedural Requirements for Documentation**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs to state or local governmental units due to the proposed rule revisions. The revisions provide a definition of biocontaminants and set forth safety requirements regarding biocontaminants and hazardous materials to be followed by family child care providers, in-home child care providers, and public school and BESE-approved nonpublic school child care centers. The revisions also provide for the specific information family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers must maintain in a cumulative file on each child. This includes an information form, written authorization for emergency medical treatment, a list of individuals to whom the child may be released, and special dietary requirements. Finally, the revisions require that family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers maintain policies and procedures relative to shaken baby syndrome, abusive head trauma, and child maltreatment. Federal guidelines governing these facilities already require such practices, and the revisions codify them at the state level. As a result, the Department of Education anticipates there will be no additional costs to state or local governmental units.

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

The proposed rule revisions 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)**

The proposed rule revisions will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. The practices included in these revisions are included in federal requirements and should already be followed by family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

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

Beth Scioneaux  
Deputy Superintendent  
2304#040

Alan Boxberger  
Interim Deputy Fiscal Officer  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 1508—Pupil Appraisal Handbook  
Interventions and Screenings  
(LAC 28:CI.305, 703, and 725)**

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:CI in *Bulletin 1508—Pupil Appraisal Handbook*. The proposed revisions provide additional screening requirements for certain students and modify vision impairment eligibility in alignment with legislation of the Louisiana 2022 Regular Legislative Session and federal guidelines.

**Title 28  
EDUCATION**

**Part CI. Bulletin 1508—Pupil Appraisal Handbook  
Chapter 3. Interventions and Screenings**

**§305. Screening Activities**

A. - B.2.c. ...

d. If the student's medical history indicates a neurological insult or neurological impairment, the student must be screened for Cerebral/Cortical Visual Impairment.

B.3. - C.2. ...

3. A review of developmental and medical/health history for evidence of premature birth, history of extended stay in NICU following birth, history of prenatal, natal, or postnatal neurologic insult, and/or history of genetic assessment for syndromic diagnosis.

D. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:898 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016); LR 49:

**Chapter 7. Disabilities**

**§703. Deaf-Blindness**

A. - A.1. ...

B. Criteria for Eligibility. Evidence of criteria listed in Paragraphs 1, 2, and 3 are required.

1. Vision impairment in accordance with §725 of this Chapter.

2. Deaf and/or hard of hearing in accordance with §709 of this Chapter.

B.3. - D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:

**§725. Visual Impairment**

A. - A.1. ...

B. Criteria for Eligibility. Evidence of 1 of the criterion listed below must be met:

1. visual impairment or loss of vision identified by a functional vision assessment which adversely interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment; or

2. - 4. ...

5. other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both, and may coexist with ocular and ocular motor disorders and may include, but not be limited to, the result of trauma or perinatal brain dysfunction.

C. - E.1. ...

2. the educational assessment shall include:

a. a braille skills inventory, commensurate with grade level literacy and math standards in accordance with R.S. 17:24.4(A)(4) including a functional vision assessment of the degree to which the student utilizes vision to operate within the educational environment performed by a certified teacher of the blind or visually impaired or an orientation and mobility specialist;

b. a research-based learning media assessment to determine the student's needs in appropriate reading and writing media including an assessment of the student's future needs for instruction in Braille or the use of Braille and a statement of the student's strengths and needs. For the student who is a non-reader, learning medium assessment would involve systematic examination of how he/she obtains information through visual, tactile, or auditory methods;

3. - 5. ...

6. If necessary, a low vision assessment centered on how the student uses vision on a daily basis to determine if the student would benefit from optical devices, such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:

**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.