



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 710-711 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)

- 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

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

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.

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: Bulletin 1508—Pupil Appraisal Handbook—Interventions and Screenings

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 revisions. The revisions provide for additional screening requirements for certain students and modify vision impairment eligibility. The screenings are free, with the exception of the functional vision assessment kits. These kits can be acquired at no cost for temporary use from the Louisiana Accessible Educational Materials center.

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)

There is no anticipated impact to small businesses or nongovernmental groups as a result of the proposed rule revisions. Students experiencing vision impairment may receive additional supports as a result of this measure, and school or system-level personnel may experience additional workload related to conducting screenings and participating in training. This impact is indeterminable but likely to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2304#041

Alan Boxberger
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Voluntary Environmental Self-Audit Regulations (LAC 33:I.Chapter 70) (OS100)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.Chapter 70 (OS100).

The proposed Rule will establish regulations for the voluntary environmental self-audit program in accordance with R.S. 30:2044. On August 1, 2021, R.S. 30:2044 became effective mandating the department to promulgate regulations establishing a program for voluntary