



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

Paul Hollis
1st BESE District

Sharon Clark
2nd BESE District

Sandy Holloway
3rd BESE District

Stacey Melerine
4th BESE District

Lance Harris
5th BESE District

Ronnie Morris
6th BESE District

Kevin Berken
7th BESE District

Preston Castille
8th BESE District

Conrad Appel
Member-at-Large

Judy Armstrong
Member-at-Large

Simone Champagne
Member-at-Large

May 11, 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: Kimberly Tripeaux, Interim 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, 2024, Notice of Intent that was promulgated on pages 533-535 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, 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.

KT: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
Kimberly Tripeaux, Interim Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Kimberly Tripeaux
Interim Executive Director

Dr. Cade Brumley
State Superintendent

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, May 10, 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: Attendance**

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 proposed changes provide clarity, opportunities for academic recovery, and for the reporting of attendance data to the Louisiana Department of Education (LDOE) daily. A summary of the changes includes: reducing and redefining the types of absences to excused, unexcused, and suspension/expulsion; providing opportunities for academic recovery for each type of absence; and requiring the submission of daily student attendance and truancy reporting. Finally, the changes align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3. Attendance data is currently reported quarterly, with truancy data confirmed annually; the proposed reporting requirements will follow the same process in current use. LDOE is working to identify schools that may be in need of technical assistance in transitioning to the new reporting timeline.

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

There is no anticipated effect on the 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 benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux
Deputy Superintendent
2404#028

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—ELPT Connect (LAC 28:XI.405)

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:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The proposed amendments update the language for proficiency scoring to include ELPT Connect, the English Language Proficiency Test (ELPT) assessment for English learners with significant cognitive disabilities. The levels are included in policy and are closely aligned to the ELPT to ensure clarity for teachers and school systems.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System
Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

§405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

A. - B.3. ...

a. The initial proficiency level for each English learner will be determined based on the ELPT or ELPT Connect assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT or ELPT Connect assessment.

b. If a student exits the United States for one or more school years following the initial ELPT or ELPT Connect assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

c. For students first identified in prekindergarten through fifth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the table below.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
* * *				

d. For students first identified in sixth through twelfth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
* * *						

e. An ELPT or ELPT Connect overall proficiency score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

4. The level of progress on the ELPT or ELPT Connect assessment will be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

* * *

5. For measuring progress on the ELPT Connect assessment, the overall proficiency scores will be organized into the following levels:

- a. emerging—all domain scores are one or two;
- b. progressing 1—at least one domain score of three and the lowest domain score is one;
- c. progressing 2—at least one domain score of three and the lowest domain score is two;
- d. progressing 3—at least three domain score of three and the lowest domain score is two; and
- e. transitioning—all domain scores are three or four.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 49:31 (January 2023), LR 49:1698 (October 2023), 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, May 10, 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: Bulletin 111—The Louisiana School,
District, and State Accountability System
ELPT Connect**

**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 updates the language for proficiency scoring to include ELPT Connect, the new English Language Proficiency Test (ELPT) assessment for English learners with significant cognitive disabilities. The ELPT Connect assessment will be used by a specific subset of students. The scoring domains differ from the ELPT as there is one fewer level on the ELPT Connect, and the assessment is included in the kindergarten through eighth grade assessment index for each English learner. The levels are included in policy and are closely aligned to the ELPT to ensure clarity for teachers and school systems.

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

There is no anticipated effect on the 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 benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

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

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

Beth Scioneaux
Deputy Superintendent
2404#027

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
Educator Observation and Evaluation
(LAC 28:CXLVII.Chapters 1, 3, 7, and 9)

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. The aforementioned amendments provide revised observation rating calculations, differentiated support for new teachers and ineffective teachers, and implementation of learning year options.

**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 in accordance with the provisions of this Part.

B. The guidelines approved by BESE to form a basis for local teacher evaluation programs include regulations in this Part and the Performance Expectations and Indicators for Educational Leaders, 2015 edition.

C. Repealed.

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 36:2250 (October 2010), amended LR 38:1214 (May 2012), LR 45:233 (February 2019), LR 50:

**§105. Framework for LEA Personnel Evaluation
Programs
[Formerly §109]**

A. - B. ...

1. Job Descriptions. The LEA shall establish job descriptions for every category of teacher and administrator. All job descriptions shall contain performance expectations and the criteria for which the teacher or administrator shall be evaluated.

2. Professional Growth Planning Process. The LEA shall provide guidelines for teachers and administrators to develop a professional growth plan collaboratively with their evaluators. Such plans must be designed to assist each teacher or administrator in demonstrating effective performance, as defined by this bulletin. Each plan will serve as a differentiated coaching plan based on an area of refinement and will include professional learning objectives as well as the strategies that the teacher or administrator intends to use to attain each objective.

3. Observation, Data Collection, and Conferencing Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient to gain a complete picture of performance and impart individualized feedback each year. Additional evidence, such as data from periodic informal visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation.

a. - c. Repealed.

4. ...

5. Student Learning Targets. Local evaluation plans shall include evidence of growth in student achievement, including value-added data where available. The LEA shall provide guidelines for evaluators and evaluates to meet to discuss the student learning target of each student.

6. Grievance Process. LEAs shall include in their local personnel evaluation plans a description of the