



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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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 531-533 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

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

**RULE TITLE: Licensee Portal—Child Residential Care
Class B, Residential Homes (Type IV), Child Placing
Agencies—General Provisions, and Juvenile Detention**

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

The only cost of this proposed rule is the cost of publishing rulemaking which is estimated to be approximately \$1,491 (\$1,118 State General Funds and \$373 Federal Funds) in FY 24. This is a one-time cost that is routinely included in the department's annual operating budget.

The department proposes to amend LAC 67:V, Subpart 8, Chapter 69, Class B, Section 6956; Chapter 71, Section 7108; Chapter 73, Section 7311; Chapter 75, Section 7507 Licensing Section.

The department is amending LAC 67:V to allow providers such as child residential care (Section 6956), residential home type IV (Section 7108), child placing agencies – general provisions (Section 7311), and juvenile detention facilities (Section 7507) to implement the licensee portal, Sanswrite, for the submission of electronic corrective action plans (CAP). This electronic submission system will be utilized to submit CAPs to DCFS for any and all deficiencies noted by Licensing Section staff regarding any laws or standard, or any other statute, ordinance, or standard.

DCFS Licensing Section staff members inspect providers and their facilities to determine compliance with state licensing regulations. DCFS maintains a license subscription with Outlier Technologies, which is renewed annually for the use of the Sanswrite system for licensing purposes. This system allows Licensing staff members to conduct inspections, generate deficiency findings, and organize all provider inspection information in one platform. It also provides access to the licensee portal where providers can submit their Corrective Action Plan (CAP) electronically, rather than by mail or email. DCFS transitioned providers from utilizing a paper CAP submission process to an electronic CAP submission process. The CAP creation features existed on the licensee portal prior to transition; therefore, there was no increase in its annual renewal cost \$45,234 (\$33,925 SGF and \$11,309 Federal), according to total spend for FY 24. The original source of funding is the Social Services Block Grant (SSBG).

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

Implementation of this proposed rule will have no 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)**

This proposed rule will have no impact on the estimated costs of any persons or non-governmental groups.

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

There is no estimated impact on competition and employment.

Joy Legaux
Licensing Director
2404#056

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Attendance

(LAC 28:CXV.1103, 1105, and 1111 and CXXXIX.4001)

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:CXXXIX in *Bulletin 126—Charter Schools*. The proposed amendments provide clarity, opportunities for academic recovery, and the reporting of attendance data needed to address truancy rates. 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 aforementioned revisions align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators

Chapter 11. Student Services

§1103. Compulsory Attendance

A. - I. ...

J. Exceptions to the attendance regulation shall be the enumerated extenuating circumstances below that are verified by the supervisor of child welfare and attendance or the school principal/designee where indicated. These excused absences do not apply in determining whether a student meets the minimum minutes of instruction required to receive credit:

1. - 7. ...

8. absences verified and approved by the school principal or designee as stated below:

a. prior school system-approved travel for education;

b. death in the immediate family (not to exceed one week);

c. natural catastrophe and/or disaster;

d. student personal illness or serious illness in family; or

e. pregnant and parenting students at a minimum of 10 days after the birth of a child.

J.9. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097

(June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 49:33 (January 2023), LR 50:

§1105. Absences and Attendance

A. The days absent for elementary and secondary school students shall include excused absences, unexcused absences, and suspensions/expulsion.

B. *Excused Absences*—absences which are not considered for purposes of truancy, including absences incurred due to extenuating circumstances in accordance with §1103 of this Chapter.

C. *Unexcused Absence*—any absence not meeting the requirements set forth in the excused absence definition, including but not limited to absences due to any job (including agriculture and domestic services, even in their own homes or for their own parents or tutors) unless it is part of an approved instructional program.

D. *Suspension/Expulsion*—absence in which a student is not in attendance in the regular instructional setting due to disciplinary actions imposed by the school. The absence is not considered for purposes of truancy unless the student was assigned to an alternative site and is not in attendance at the assigned alternative site.

E. A student who is absent, including a suspended student, shall be allowed to submit missed assignments and tests and shall be eligible to receive the same academic credit and grades originally available when work is completed satisfactorily and in a timely manner.

F. Daily attendance shall be taken in accordance with R.S. 17:232. Beginning with the 2024-2025 school year, student attendance shall be submitted daily to the LDOE, including the number of students in attendance, the number of students absent, and the truancy status of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:226, R.S. 17:235.2, and R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005), amended LR 36:482 (March 2010), LR 37:1127 (April 2011), LR 39:2206 (August 2013), LR 50:

§1111. Age Requirements

A. - C.5.c. ...

6. A parent or legal guardian may opt to defer enrollment of a child into kindergarten for one year under the following conditions:

a. The child is four years of age on the first day of the school year; or

b. The child is enrolled in a prekindergarten program.

7. A parent or legal guardian who opts to defer enrollment into kindergarten for one year shall be considered in compliance with the compulsory school attendance law.

D. - D.1....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005), amended LR 39:2206 (August 2013), amended LR 48:32 (January 2022), LR 50:

Part CXXXIX. Bulletin 126—Charter Schools Chapter 40. Charter School Autonomy §4001. Applicability of State and Local Rules and Regulations

A. - A.15. ...

16. school and district accountability system;

17. attendance reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:232, and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), 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: Attendance**

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 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.