



# 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 535-541 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

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 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 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

procedures for resolving conflict and/or grievances relating to evaluation results in a fair, efficient, effective, and professional manner.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 36:2251 (October 2010), amended LR 38:1215 (May 2012), LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 49:649 (April 2023), LR 50:

### **Chapter 3. Components of Personnel Evaluation**

#### **§301. Overview of Personnel Evaluation**

A. Evaluation Process. The evaluation cycle shall consist of communicating the job description; developing the professional growth plan; setting student learning targets; observation, conferencing, and data collection; and communicating the final effectiveness calculation.

1. A copy of the job description developed in accordance with §303 of this Chapter shall be distributed to each teacher and administrator prior to beginning employment in the position with the school system and prior to the beginning of the school year each time the job description is revised.

2. Each evaluator and evaluatee shall meet to discuss the student learning targets set in accordance with §305 of this Chapter. Student learning targets not discussed in a meeting between the evaluator and evaluatee shall not be used in the evaluation.

a. - b. Repealed.

3. Observation and conferencing shall be conducted in accordance with §309 of this Chapter, with opportunities for reflection, professional learning, and informal data collection available throughout the evaluation cycle.

4. Each teacher and administrator shall develop a professional growth plan collaboratively with the evaluator(s) based on an area of refinement identified through the first observation of the evaluation cycle. Each plan will serve as a differentiated coaching plan based on the area of refinement to assist the educator in demonstrating effectiveness and will include professional learning objectives as well as the strategies and means of support that the teacher or administrator intends to use to attain each objective.

5. At the end of the evaluation cycle, the final evaluation score will be calculated by the evaluator(s), with effectiveness determined according to Subsection B of this Section. A copy of the evaluation results must be provided to the evaluatee within 15 days of the final effectiveness determination.

B. Calculating Evaluation Scores. Fifty percent of the evaluation shall be composed of applicable measure(s) of growth in student learning. The remaining 50 percent shall be based upon a qualitative assessment of teacher or administrator skills, knowledge, and professionalism. The combination of the applicable measure of growth in student learning and the qualitative assessment of performance shall result in a composite score used to distinguish levels of overall effectiveness for teachers and administrators.

1. Student Growth Score. Value-added data, if available, shall comprise 35 percent of the evaluation score, with 15 percent of the score based on student learning target

attainment. If value-added data are not available, attainment of student learning targets will comprise 50 percent of the evaluation score.

2. Qualitative Assessment Score for Teachers. Data collected by evaluators during the evaluation cycle will be averaged by domain and weighted along with the teacher self-assessment rating to calculate the 50 percent of the evaluation based upon qualitative assessment.

a. The teacher observation rating will be calculated by averaging the domain score from each observation, with the Planning domain weighted at 15 percent, Environment domain weighted at 5 percent, Instruction domain weighted at 75 percent, and Professionalism domain weighted at 5 percent.

b. The teacher self-assessment rating from each observation will be averaged.

c. The teacher observation rating will constitute 90 percent of the qualitative assessment score; the remaining 10 percent will be the teacher self-assessment rating.

3. Qualitative Assessment Score for Principals. Artifacts and data collected by evaluators during the evaluation cycle will be weighted to comprise the qualitative assessment score, with administrator middle-of-year conference weighted at 25 percent, end-of-year summative conference weighted at 50 percent, administrator self-assessment rating weighted at 10 percent, and principal survey rating weighted at 15 percent. A principal with more than three years of experience in the role and a rating above 3.50 in the previous school year may be exempted from the middle-of the year conference, weighting the end-of-year summative conference at 75 percent.

4. Qualitative Assessment score for Counselors and Non-Principal School Leaders. Artifacts and data collected by evaluators during the evaluation cycle will be weighted to comprise the qualitative assessment score, with middle-of-year conference weighted at 30 percent, end-of-year summative conference weighted at 60 percent, and self-assessment rating weighted at 10 percent.

5. The composite score shall be the average of the student growth score and the qualitative assessment score. Each score shall be represented as a decimal rounded to the hundredths place.

C. Determining the Effectiveness Rating. The effectiveness rating shall be determined according to the composite score ranges as follows.

1. A composite score from 1.00 to 1.49 will constitute a rating of Ineffective.

2. A composite score from 1.50 to 2.49 will constitute a rating of Emerging.

3. A composite score from 2.50 to 3.49 will constitute a rating of Proficient.

4. A composite score from 3.50 to 4.49 will constitute a rating of Highly Effective.

5. A composite score from 4.50 to 5.00 will constitute a rating of Exemplary.

D. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013),

LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 48:1006 (April 2022), LR 49:650 (April 2023), LR 50:

### §303. Job Descriptions [Formerly §323]

A. The local personnel evaluation plan shall contain a copy of the job descriptions currently in use in the LEA. The LEA shall establish a competency-based job description for every category of teacher and administrator pursuant to its evaluation plan. At a minimum, job descriptions must be developed for the following positions.

1. Administration:
  - a. superintendent;
  - b. assistant superintendent;
  - c. director;
  - d. supervisor;
  - e. coordinator;
  - f. principal; and
  - g. assistant principal.
2. Instructional Personnel:
  - a. teachers of regular education and special education students;
  - b. special projects teachers;
  - c. instructional coaches;
  - d. librarians; and
  - e. master teachers.
3. Support Services:
  - a. school counselors; and
  - b. therapists.
4. Any employee whose position does not require certification but does require a minimal education attainment of a bachelor's degree from an accredited institution of higher learning.
5. Any employee whose position requires certification but whose title is not listed in this Subsection.
6. Any employee who holds a major management position but who is not required to have a college degree or certification.

B. The competency-based job description shall:

1. be grounded in the state standards of performance;
2. include job tasks that represent the essential knowledge, skills, and responsibilities of an effective teacher or administrator that lead to growth in student achievement;
3. be reviewed annually to ensure that the description represents the full scope of the teacher or administrator responsibilities; and
4. be distributed to all certified and professional personnel prior to employment. If said job description is modified based on the district's annual review, the revised job description must be distributed to all certified and professional teachers and leaders prior to the beginning of the next school year.

C. The following components shall be included in each job description developed:

1. position title;
2. overview of position;
3. position qualifications shall be at least the minimum requirements as stated in LAC 28:CXXXI. *Bulletin 746*. The qualifications shall be established for the position, rather than for the employee;
4. title of the person to whom the employee reports;
5. performance standards, including statement on responsibility for growth in student learning;
6. criteria for evaluation;

7. salary or hourly pay range;
8. statement acknowledging receipt of job description; and
9. a space for the employee's signature and date.

D. Signed job descriptions must be maintained on file at the local level to document the annual review and, upon revision, receipt of job descriptions.

D.1. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:3123 (December 2012), LR 39:1273 (May 2013), LR 40:761 (April 2014), LR 41:1267 (July 2015), LR 43:2480 (December 2017), LR 50:

### §305. Measures of Growth in Student Learning

A. Student learning targets and, where available, a value-added model shall be used to measure student growth for the purposes of teacher and administrator evaluations according to guidelines provided by LDOE.

B. For teachers and administrators, progress towards pre-determined student learning targets, as measured by state-approved common assessments, where available, shall inform the student growth component of the evaluation. Student learning targets shall include goals which express an expectation of growth in student achievement over a given period of time, as well as common measures for assessing attainment of those goals, such as an identified assessment or a body of evidence.

1. Evaluators shall meet with each evaluatee for the purpose of discussing the student learning targets of each student. Student learning targets not discussed in a meeting between an evaluatee and the evaluator shall not be used in the evaluation of the person.

2. Teachers. A minimum of two student-learning targets shall be identified for each teacher. LDOE shall provide an evaluative tool for evaluators to use in assessing the quality and attainment of student learning targets.

a. State-approved assessments shall be used as part of the body of evidence measuring students' attainment of learning targets, where available.

b. Where no state-approved assessments are available, evaluatees and evaluators shall decide upon the appropriate assessment or assessments to measure students' attainment of learning targets.

c. LEAs may define consistent student learning targets across schools and classrooms for teachers with similar assignments, provided that the targets allow for ample flexibility to address the specific needs of students in each classroom.

3. Principals and Administrators. A minimum of two student learning targets shall be identified for each administrator.

a. For principals, the LDOE shall provide recommended targets to use in assessing the quality and attainment of both student learning targets, which will be based upon a review of similar schools. The LDOE will annually publish the methodology for defining similar schools.

b. At least one learning target shall be based on overall school performance improvement in the current school year, as measured by the school performance score.

c. At least one learning target shall be based on growth in a component (e.g., ELA or math improvement) of school performance score.

d. Principals at schools with special populations (e.g. alternative schools) or those that do not have grades with standardized testing and available value-added data (e.g., K-2 schools) may define learning targets based on LDOE guidance.

4. LDOE shall provide annual updates to LEAs related to:

a. the expansion of state-standardized testing and the availability of value-added data, as applicable;

b. the expansion of state-approved common assessments to be used to build bodies of evidence for student learning where the value-added model is not available; and

c. the revision of state-approved tools to be used in evaluating student learning targets.

C. The value-added model shall be a statistical model approved by BESE for linking academic gains of students to teachers in grades and subjects for which appropriate data are available. LDOE shall expand the value-added model, as new state assessments become available.

1. Value-added data shall be provided to teachers in grades and subjects that administer state-wide standardized tests and for which appropriate prior testing data is available. The value-added model shall not be applied for the purposes of evaluation in any case in which fewer than 10 students with value-added results are assigned to an educator.

2. The value-added model shall take into account the following student-level variables:

a. prior achievement data that are available, up to three years;

b. gifted status;

c. section 504 status;

d. attendance;

e. disability status;

f. economically disadvantaged status;

g. limited English proficiency; and

h. prior discipline history.

3. Classroom composition variables shall also be included in the model.

D. - F.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1267 (July 2015), LR 47:354 (March 2021), LR 49:254 (February 2023), repromulgated LR 49:860 (May 2023), LR 50:

### §307. Observation Tools

A. LEAs must utilize an observation tool to conduct a qualitative assessment of educator performance that will comprise 50 percent of the composite evaluation score for all evaluations.

B. - B.1.b. ...

2. Observation tools shall provide an overall score between 1.00 and 5.00. Total scores on observation tools may include hundredths of points, indicated with a decimal point.

3. Observation tools for other instructional leaders shall align to the components of effective teaching in §901.

of this Part and the Performance Expectations and Indicators for Educational Leaders, 2015 edition, as well as the competencies for content leaders or mentor teachers in LAC 28:CXXXI.350 and 351.

C. ...

D. LEAs which do not intend to use model observation tools developed or identified by the department shall annually submit proposed alternate tools to the department for evaluation and approval.

1. - 4. ...

5. 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 38:1216 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:

### §309. Observation and Conferencing Process

A. Observation and Conferencing Components for Teachers. The annual teacher evaluation shall include an observation conducted according to each step of the process outlined in this Section and shall adhere to the following minimum requirements.

1. Each announced observation shall include a pre-observation conference at least one school day prior to the date of the observation.

2. Each announced observation shall occur at a time and place established in advance and shall be of sufficient duration to provide meaningful data. Observations of a teacher shall be not less than the duration of one complete lesson.

3. Following all observations, evaluators shall record feedback, including areas for reinforcement and areas for refinement. Additional evidence from periodic visits to the school or classroom as well as written materials or artifacts may be used to inform the evaluator analysis.

4. Following all observations, the evaluatee must complete a self-assessment regarding the lesson using the same observation tool used by the evaluator.

5. Each observation shall include a prescriptive post-observation conference not more than five school days following the date of the observation during which the evaluator will share the feedback, areas of reinforcement, and areas of refinement. These recommendations will be used to develop the professional growth plan.

6. An informal observation targeted to the specific area of refinement shall be conducted at least two, and not more than six, weeks following the post-observation conference. The evaluator will provide written feedback regarding progress toward the area of refinement within one school day of the informal observation.

B. Observation Frequency

1. During the first three years of teaching, three observations shall be conducted, one of which must be announced.

2. For teachers with three years of experience and beyond, one unannounced observation shall be conducted. If the observation score is below 3.50 or if the evaluatee requests it, a second observation shall be conducted and shall be announced. If the average score of the first two observations is less than 2.50, a third observation shall be conducted and shall be unannounced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1217 (May 2012), amended LR 38:2360 (September 2012), LR 41:1267 (July 2015), LR 50:

### §311. Evaluators

A. - D.1. ...

2. The evaluator certification process shall include achieving a passing score on an assessment to ensure inter-rater reliability and accuracy of ratings, based on the use of the teacher or leader observational rubric.

3. Evaluators on record must renew certification to evaluate annually by completing training according to guidelines released by LDOE, by achieving a passing score on a renewal assessment, and by completing inter-rater reliability activities as recommended by LDOE.

E. LEAs shall provide training on a continuing basis for all staff involved in the evaluation process. The recommendation is that all training concentrate on fostering the elements listed below:

1. a positive, constructive attitude toward the teacher and administrator evaluation process;

2. a knowledge of state laws and LEA policies governing the evaluation process for teachers and administrators, along with the associated procedures for intensive assistance and due process;

3. an understanding of the Louisiana Components of Effective Teaching or an approved modified set of teacher competencies and performance standards;

4. an understanding of the Performance Expectations and Indicators for Educational Leaders or an approved modified set of leader competencies and performance standards;

5. an understanding of the measures of growth in student learning, as adopted by the board; and

6. an understanding of the process for calculating a composite score to determine final effectiveness ratings for teachers and administrators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1217 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:

### §313. Professional Development

A. LEAs shall provide professional learning to all teachers and administrators, based upon their individual areas of refinement, as measured by the evaluation process. Professional learning opportunities provided by LEAs shall meet the following criteria.

1. Professional learning shall be job-embedded, where appropriate.

2. Professional learning shall target identified individualized areas of growth for teachers and administrators, based on the results of the evaluation process, as well as data gathered through informal observations or site visits, and LEAs shall utilize differentiated resources and levels of support accordingly.

3. Professional learning shall include follow-up engagement with participants, such as feedback on

performance, additional supports, and/or progress-monitoring.

4. Professional learning shall include measureable objectives to evaluate its effectiveness, based on improved teacher or administrator practice and growth in student learning.

B. Failure by the LEA to provide regular professional learning opportunities to teachers and administrators shall not invalidate any results of the evaluation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1218 (May 2012), LR 50:

### §319. Transitional Use of Legacy Evaluation System

A. For the 2024-2025 school year, LEAs may choose to implement the evaluation process outlined in this Part or the same evaluation process implemented by the LEA during the 2023-2024 school year to allow adequate planning for a successful transition to a new evaluation process. For purposes of this Section, the term *legacy evaluation process* refers to the evaluation process implemented by the LEA during the 2023-2024 school year.

1. - 6. Repealed.

B. Evaluatees in an LEA implementing a legacy evaluation process shall receive at least one announced observation and one unannounced observation during the evaluation cycle.

C. The composite score to determine effectiveness in a legacy evaluation process will be calculated as follows:

1. The 50 percent of evaluations based on student growth will be represented by a sub-score between 1.0 and 4.0.

2. The 50 percent of evaluations based on a qualitative assessment of performance will be represented by a sub-score between 1.0 and 4.0.

3. The final composite score for teachers and administrators is the average of the two sub-scores and will be represented as a score between 1.0 and 4.0.

4. The effectiveness rating will be determined by the composite score ranges as follows:

a. A composite score of less than 1.5 will constitute a rating of Ineffective.

b. A composite score of 1.5 to 2.49 will constitute a rating of Effective: Emerging.

c. A composite score of 2.50 to 3.49 will constitute a rating of Effective: Proficient.

d. A composite score of 3.5 or higher will constitute a rating of Highly Effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2360 (September 2012), LR 50:

### §323. Job Descriptions [Formerly §339]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2361 (September 2012), amended LR 48:28 (January 2022), LR 48:414 (March 2022), LR 50:

**§329. Charter School Exceptions**

A. Charter governing authorities are subject only to §301, §305, §307, §309, §325, §329, and §701 of this bulletin.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1220 (May 2012), LR 50:

**Chapter 7. Reporting and Monitoring**

**§701. Annual Summary Reporting Format**

A. - B. ...

1. the percentage and number, where available, of administrators and teachers rated as exemplary, highly effective, proficient, emerging, and ineffective;

2. the percentage and number, where available, of teachers whose student growth ratings are increased or decreased, per §305. of this Part, relative to the value-added model rating; and

3. ...

C. LDOE shall annually analyze the relationship between student results and educator observation scores for use in risk-based auditing. Risk-based auditing may include inter-rater reliability checks, and plans to address audit findings will be required for LEAs, schools, or observers noted as high risk based on this analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2253 (October 2010), amended LR 38:1220 (May 2012), LR 38:2361 (September 2012), LR 39:1274 (May 2013), LR 41:1268 (July 2015), LR 50:

**Chapter 9. General Provisions**

**§901. Louisiana Components of Effective Teaching**

A. The domains and indicators comprising the Louisiana Components of Effective Teaching are as follows:

1. The instruction domain is composed of the following indicators:

- a. standards and objectives;
- b. motivating students;
- c. presenting instructional content;
- d. lesson structure and pacing;
- e. activities and materials;
- f. questioning;
- g. academic feedback;
- h. grouping students;
- i. teacher content knowledge;
- j. teacher knowledge of students;
- k. thinking; and
- l. problem solving.

2. The designing and planning instruction domain is composed of the following indicators:

- a. instructional plans;
- b. student work; and
- c. assessment.

3. The learning environment domain is composed of the following indicators:

- a. expectations;
- b. engaging students and managing behavior;
- c. environment; and
- d. respectful conditions.

4. The professionalism domain is composed of the following indicators:

- a. growing and developing professionally;
- b. reflecting on teaching;
- c. community involvement; and
- d. school responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2254 (October 2010), amended LR 38:1221 (May 2012), LR 38:2361 (September 2012), 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: Educator Observation and Evaluation

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

The proposed rule change provides revised observation rating calculations, differentiated support for new teachers and ineffective teachers, and implementation of learning year options. Training opportunities through more than 80 training sessions located throughout the state will be provided by the Louisiana Department of Education (LDOE) at no cost to local districts. Local districts may experience an increase in costs dependent on whether a district chooses a training location outside of their region, as opposed to one located within their region. Other possible local costs could include optional contracts with the National Institute for Excellence in Teaching (NIET) for additional support.

LDOE will provide the rubric, training materials, and evaluation certification assessment through Canopy - the Louisiana professional learning platform. Costs to LDOE are included in the current contract with NIET. The contract total is \$4,302,100 and was funded with Federal funds through ESSER II (\$1,393,408) and ESSER III (\$2,908,692) funding. In FY 25, \$364,000 in IDEA funding will be used. In FY 26, \$195,273 in Federal IDEA funding and \$197,727 in Title II funding will be used. The training and on-site support will be covered by 8(g)

allocations from BESE and will include \$300,000 in FY 25 and \$200,000 in FY 26. These costs include those for the development of evaluation components and processes, the development of all training materials, and delivery of the training at the regional training opportunities. LDOE will own the rubrics, the trainings, the assessment, and all associated materials as part of the contract. For the 2024-25 and 2025-26 school years, this contract will cover evaluator training. In the 2024-25 school year and beyond, funding for on-site support of feedback and coaching cycles will be built into the 8(g) LDOE Statewide Programs budget. In the 2026-27 school year and beyond, funding for evaluator training will also be built into this budget.

#### 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)

The proposed revisions are expected to improve educator quality and retention over time due to extensive training, differentiated support, and coaching plans customized to support educator development.

Beth Scioneaux  
Deputy Superintendent  
2404#029

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years  
Early Learning and Development Standards  
(LAC 28:CLX.Chapters 1-5 and CXXXVI.Chapters 1-7)

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 repeal LAC 28:CLX in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*, and adopt LAC 28:CXXXVI in *Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years*. The aforementioned changes replace previously adopted early learning and development standards.

#### Title 28

#### EDUCATION

#### Part CXXXVI. Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years

#### Chapter 1. General Provisions

#### §101. Introduction

A. Louisiana's Early Learning and Development Standards (ELDS) provide a set of common, developmentally appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. These standards are