



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

November 11, 2019

MEMORANDUM

James Garvey
1st BESE District

Kira Orange Jones
2nd BESE District

Sandy Holloway
3rd BESE District

Tony Davis
4th BESE District

Gary Jones
5th BESE District

Kathy Edmonston
6th BESE District

Holly Boffy
7th BESE District

Jada Lewis
8th BESE District

Thomas Roque
Member-at-Large

Lurie Thomason
Member-at-Large

Doris Voitier
Member-at-Large

TO: Senator John A. Alario, Jr., Senate President
Representative Taylor F. Barras, Speaker of the House
Senator Dan "Blade" Morrish, Chair, Senate Committee on Education
Representative Gary Carter, Vice Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director *SP*
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 October 20, 2019, Notice of Intent that was promulgated on pages 1494-1498 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing 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 January 20, 2020, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:slr

Attachment (1)

- c: Jeanne Johnston, Senior Analyst, Senate Committee on Education
Cheryl Serrett, Analyst, Senate Committee on Education
Nancy Jolly, Senior Legislative Analyst, House Committee on Education
Ryan Gremillion, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Shan N. Davis
Executive Director

John C. White
State Superintendent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletins 111, 118 and 741—English Language Proficiency
(LAC 28:XI.409, 4001, 5701, 7301, 7307,
7311, 8307, 8505 and CXV.351)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*; LAC 28:XI, *Accountability/Testing*, Subpart 3, *Bulletin 118—Statewide Assessment Standards and Practices*; and LAC 28:XXV, *Bulletin 741—Louisiana Handbook for School Administrators*. Proposed amendments clarify English Language Proficiency Test (ELPT) assessment procedures, including exit criteria for English learners with disabilities and the role of the Individualized Educational Program (IEP) team in the decision-making process; procedures for requesting ELPT accommodations and exemptions; and ELPT weighting for purposes of calculating a Grade 9-12 Assessment Index. The proposed amendments also establish a standardized process for identifying English learners as required by federal law and Louisiana’s approved Every Student Succeeds Act (ESSA) state plan. Finally, the proposed amendments delineate LEA obligations to identify and serve English learners in accordance with federal law.

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

§409. Calculating a 9-12 Assessment Index [Formerly LAC 28:LXXXIII.409]

A. - B.3.a. ...

b. For students first identified in kindergarten through fifth grade, consider the initial ELPT proficiency level and number of years identified using the following table.

c. - d. ...

4. The level of progress on the ELPT assessment shall be included in the high school assessment index for each English learner according to the following table.

5. Weight each ELP index score by two.

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 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:222 (February 2019), LR 45:

Chapter 40. Definitions Related to English Proficiency

§4001. Proficient in English

[Formerly LAC 28:LXXXIII.4001]

A. To be considered English proficient and exit English learner (EL) status, an EL student must score level 4 (early advanced) or level 5 (advanced) on all four ELPT domains:

1. - 4. ...

B. In order for a student to receive an approval for exemption from one or more than one domains, schools must submit an official request, including documentation for the request, no later than 30 days prior to the opening of the testing window.

C. Accommodations for the English Language Proficiency Test (ELPT) should be documented on a student’s Individual Education Plan (IEP), Individual Academic Plan (IAP), or English Learner (EL) Checklist no later than 30 days prior to the opening of the testing window.

D. Students with disabilities who are unable to meet the above exit criteria after four years or more in EL status, and whose disability impacts language acquisition may be reclassified and exempt from future ELPT participation, but will be required to take statewide assessments. In such cases, the IEP team determines that the student’s disability directly impacts language acquisition; then, the student’s reclassification and exit is decided by consensus of the members of the School Building Level Committee (SBLC). Students with significant cognitive disabilities who meet the participation criteria for LEAP Connect may be reclassified and exited sooner until such time as an alternate ELPT is available.

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 30:767 (April 2004), amended LR 33:254 (February 2007), LR 34:2552 (December 2008), LR 36:2243 (October 2010), LR 38:3115 (December 2012), LR 44:460 (March 2018), LR 45:

Chapter 57. Assessment Program Overview

**§5701. Overview of Assessment Programs in Louisiana
[Formerly LAC 28:CXI.701]**

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

| Name of Assessment Program | Assessment Population | Administered |
|--|---|---|
| Kindergarten Screening | | |
| * * * | | |
| Integrated NRT/CRT | | |
| Integrated Louisiana Educational Assessment Program (iLEAP) (science and social studies) | grades 3, 5, 7 | spring 2006-2017 |
| * * * | | |
| Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test] | Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3-11. | spring 1999– spring 2003 (no longer administered) |
| English Language Proficiency Test (ELPT) | English Learners (EL) in grades K-12 | Beginning spring 2018 |
| * * * | | |
| Academic Skills Assessment (ASA) and ASA LAA 2 form | Students pursuing a State-Approved Skills Certificate (SASC) or GED | spring 2012 (one administration only, spring 2012) |

B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 45:

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 73. English Language Proficiency Test (ELPT)

Subchapter A. Background

§7301. Overview

[Formerly LAC 28:CXI.2301]

A. The federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeed Act (ESSA), requires standards-based assessment of the progress of all English learners enrolled in grades kindergarten through 12 in attaining English proficiency, including a student's level of comprehension, speaking, listening, reading, and writing skills in English.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1557 (July 2005), amended LR 33:259 (February 2007), LR 44:474 (March 2018), LR 45:

Subchapter C. Target Population

§7307. Participation Criteria

[Formerly LAC 28:CXI.2307]

A. English Learners (ELs) are to be identified through a two-step standardized process.

1. Upon enrollment in school, parents or custodians are provided with a Home Language Survey (HLS) designed to identify which students are potential English Learners and therefore require an assessment of their English language proficiency.

2. If an assessment is required, LEAs must administer the English Language Proficiency Screener (ELPS), which assesses proficiency in all 4 language domains (speaking,

listening, reading, and writing) within 30 days of the student's enrollment to determine if he or she is eligible for English Learner status. If a student is determined to be less than proficient in any of the four language domains, the student must be classified an English Learner.

B. *English Learner* definition. A student identified as an English learner must:

1. be between the age of 3 through 21;
2. be enrolled in an English-speaking elementary school or secondary school;
3. not have been born in the United States or has a native language other than English; and
4. have difficulties in speaking, reading, writing, or understanding the English language such that such challenges may be sufficient to deny them:

- a. the ability to meet the state's proficient level of achievement on state assessments;
- b. the ability to successfully achieve in classrooms where the language of instruction is English; or
- c. the opportunity to participate fully in society.

C. A student identified as an English learner may be:

1. A Native American, Alaska Native, or a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on his or her level of English language proficiency; or
2. Be migratory, having a native language other than English, and come from an environment where a language other than English is dominant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:259 (February 2007), amended LR 44:474 (March 2018), LR 45:

Subchapter D. Performance Levels and Proficiency Standards

§7311. Proficiency Standards

[Formerly LAC 28:CXI.2311]

A. Performance standards for English proficiency in listening, speaking, reading, and writing tests are finalized in scaled-score form. The scaled-score ranges vary per grade and grade band.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:260 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), LR 44:474 (March 2018), LR 45:

Chapter 83. Assessment of Special Populations

§8307. English Language Learners

[Formerly LAC 28:CXI.3307]

A. All EL must participate in statewide assessments. EL qualify for accommodations. Test accommodations must not be different from or in addition to the accommodations provided in the classroom during instruction and assessment and must not compromise test security or confidentiality. Accommodations must be documented on an EL accommodation form.

B. English learner—an individual:

1. - 6.c. ...

C. Approved Accommodations for English learners

1. - 1.a. ...

b. Provision of English/Native Language Word-to-Word Dictionary (No Definitions). English Learners may use either a standard or an electronic English/native language word-to-word dictionary, without definitions, on all sessions of the test.

C.1.c. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:1941 et seq., and R.S. 17:24.4(F)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1562 (July 2005), amended LR 32:240 (February 2006), LR 33:264 (February 2007), LR 33:1010 (June 2007), LR 36:983 (May 2010), LR 37:821 (March 2011), LR 41:616 (April 2015), LR 44:478 (March 2018), LR 45:

Chapter 85. Assessment of Students in Special Circumstances

§8505. Foreign Exchange Students

[Formerly LAC 28:CXI.3505]

A. ...

B. If foreign exchange students are screened and determined to be English learners, they may qualify for test accommodations provided they are used in the student's regular classroom instruction and assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:151.3 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1563 (July 2005), amended LR 34:2557 (December 2008), repromulgated LR 35:62 (January 2009), LR 38:37 (January 2012), LR 45:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§351. English Learners

A. LEAs must establish a written policy to provide for the placement in school and for the education of any child who is English learner.

B. English Learners (EL) definition. A student identified as an English learner must:

1. be between the age of 3 through 21;

2. be enrolled in an English-speaking elementary school or secondary school;

3. not have been born in the United States or has a native language other than English; and

4. have difficulties in speaking, reading, writing, or understanding the English language such that such challenges may be sufficient to deny them:

a. the ability to meet the state's proficient level of achievement on state assessments;

b. the ability to successfully achieve in classrooms where the language of instruction is English; or

c. the opportunity to participate fully in society.

C. A student identified as an English learner may be:

1. Native American, Alaska Native, or a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on his or her level of English language proficiency; or

2. migratory, having a native language other than English, and come from an environment where a language other than English is dominant;

D. LEAs must identify within thirty (30) days of school enrollment students in need of specialized language assistance programs. The state approved standardized entrance and exit procedures must be followed, as referenced in LAC 28:CXI.

E. Each LEA must include in its policy a plan to serve English Learners (EL), regardless of whether they have students who meet this classification enrolled. In the policy, the LEA must outline how it will:

1. implement the state-approved standardized entrance and exit procedures which include the statewide approved screener;

2. design an effective program reflective of their needs;

3. staff EL specialized language programs with certified English Learner teachers, bilingual personnel, or both;

4. align instruction of ELs to state academic content standards;

5. ensure participation in the English Language Proficiency Test (ELPT); and

6. adhere to state-approved procedures to reclassify and exit from EL status once students have met the state approved exit criteria.

F. LEAs must ensure the same standards that the U.S. Department of Education Office of Civil Rights and the U.S. Department of Justice apply when evaluating whether their chosen EL program meets the civil rights requirements.

G. In addition to offering equal access to the core curriculum, LEAs must provide ELs with equal opportunities to participate meaningfully in all programs and activities, whether curricular, co-curricular, or extracurricular.

H. The Individuals with Disabilities Education Act (IDEA) and section 504 of the Rehabilitation Act of 1973 address the rights of students with disabilities in school and other educational settings. If an EL is suspected of having one or more disabilities, the LEA must evaluate the student promptly to determine if the EL has a disability or disabilities and whether the student needs special education and related services. Evaluations for special education and related services may not be delayed because of a student's language proficiency or the student's participation in a specialized language program. A student's classification as

EL cannot be the basis for determining if the student has a disability.

I. LEAs have the obligation to communicate meaningfully with parents who have limited English proficiency skills and to adequately notify them of information about any program, service, or activity called to the attention of non-EL parents. LEAs must have a process to identify parents with limited English skills and provide them with free and effective language assistance, such as translated materials or an appropriate and trained interpreter.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VIII §1 and §3; R.S. 17:6; R.S. 17:7; R.S. 17:111; R.S. 17:151; R.S. 17:172; R.S. 17:1941, et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:

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 the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 earning 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 the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred 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? Yes
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 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, November 9, 2019, 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: Bulletins 111, 118 and 741 English Language Proficiency

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

There is an indeterminable impact to the Department of Education (LDE) and local school districts. The proposed amendments clarify English Language Proficiency Test (ELPT) assessment procedures, including exit criteria for English learners with disabilities and the role of the Individualized Educational Program (IEP) team in the decision-making process; procedures for requesting ELPT accommodations and exemptions; and ELPT weighting for purposes of calculating a Grade 9-12 Assessment Index. The proposed amendments also establish a standardized process for identifying English learners as required by federal law and Louisiana's Every Student Succeeds Act (ESSA) state plan. Finally, the proposed amendments delineate LEA obligations to identify and serve English learners in accordance with federal law. The LDE and local school districts could experience savings in the cost of assessments as a result of potential student exemptions from one or more language domains. Potential savings will depend upon the number of exemptions requested and granted, and are indeterminable at this time.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux
Deputy Superintendent
1910#038

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certifications and Endorsements (LAC 28:CXXXI.101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel. Proposed amendments ensure that certification policies, adopted by BESE, and administered by the LDE, are implemented in a manner that allows for a smooth transition from old to new score requirements. These revisions further detail specific timelines and implementation dates regarding Praxis exam passing score increases and decreases.

**Title 28
EDUCATION**

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 1. Introduction

§101. Purpose

A. - B. ...

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for a smooth transition from old to new requirements. Any certification change made by the BESE will include implementation dates to be specified at the time of recommendation to the BESE for action. In particular:

1. if the passing score for a specific PRAXIS exam increases, there will be a 12-month period from the date of adoption by the BESE to the effective date;

2. if the passing score for a specific PRAXIS exam decreases, scores achieved up to 12 months prior to the effective date adopted by the BESE will be accepted.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 45:

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 the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 earning 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 the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred 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? Yes.

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