



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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November 10, 2023

## MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Lance Harris, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director  
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the October 20, 2023, Notice of Intent that was promulgated on pages 1756-1757 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 January 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.

SND:ell

Attachment (1)

Shan N. Davis  
Executive Director

Cade Brumley  
State Superintendent

- c: Lily Dugas, Secretary, Senate Committee on Education  
Elizabeth Borne, Legislative Analyst, House Committee on Education  
Lisa Lovello, Legislative Analyst, House Committee on Education  
Ashley Townsend, Policy Director, Louisiana Department of Education  
Shan N. Davis, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Associate Teacher Program (LAC 28:XXV.525)

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 (BESE) proposes to amend LAC 28:XXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions align BESE policy with Act 99 of the 2023 Regular Legislative Session, which sets forth requirements regarding the implementation of the associate teacher program.

#### Title 28

#### EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 5. Personnel

#### §525. Associate Teacher Program

A. An associate teacher is an employee authorized by the local governing authority (LEA) of a public elementary or secondary school to serve as a teacher of record. Such teacher must:

1. be at least 25 years old;
2. hold an associate's degree awarded by a college or university accredited in accordance with 34 CFR 602, et seq.;
3. be continuously enrolled in an undergraduate educator preparation program at a college or university accredited in accordance with 34 CFR 602, et seq., for the purpose of obtaining a bachelor's degree; and
4. meet any other qualifications established by the LEA.

B. The LEA shall conduct a criminal history background check in accordance with R.S. 17:15 and R.S. 15:587.1 prior to employment.

C. An individual shall not serve as a teacher of record under an associate teacher permit for more than five years.

D. An associate teacher shall be employed to teach only in the content area related to the associate's degree.

E. An associate teacher shall not teach in a class for students with identified exceptionalities, unless the students are identified as gifted or talented.

F. The LEA should assign a mentor teacher to an associate teacher for the purposes of providing on-site teacher training, demonstrating lessons, co-teaching, observation, and providing feedback for improving instruction.

G. Associate teachers shall participate in weekly teacher collaborations.

H. For an associate teacher enrolled in a BESE-approved teacher preparation program, hours spent teaching by an associate teacher shall count toward the student teaching hours required in accordance with R.S. 17:8.1 and LAC 28:XXV.743 (*Bulletin 996*).

I. No more than 10 percent of the teaching staff of the school system shall be associate teachers.

J. Associate teachers shall be annually evaluated.

K. Documentation of the local permit must be maintained by the LEA and the associate teacher. The LEA

must document compliance with the provisions of this Section.

L. LEAs shall provide information regarding the effectiveness of the associate teacher program, as requested, to the LDOE.

M. The salary paid to an associate teacher shall not exceed 75 percent of the average yearly classroom teacher salary of the employing school system.

N. The provisions of this Section shall terminate on December 31, 2033.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:8, and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 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? Yes.
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? Yes.
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 cost to the providers to provide the same level of service; or
3. 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, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Associate Teacher Program

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

The proposed rule revisions set forth the requirements regarding the implementation of the associate teacher program established by Act 99 of the 2023 Regular Legislative Session. The program allows for individuals who possess an associate's degree, who are at least 25 years of age, and meet other requirements outlined by law, to work as teachers in the content area related to his or her associate's degree, for no more than five years.

There are no anticipated implementation costs or savings to state governmental units due to the proposed rule revisions. The Louisiana Department of Education (LDOE) reports there will be no impact on expenditures at the department level. The program will require enhancements to the current LDOE data system to collect relevant staffing data; however, that cost is already covered by an existing contract.

Local education agencies (LEAs) opting to participate in the program may see a decrease in expenditures as the salary of program participants is capped at 75 percent of the average classroom teacher salary of the employing school system. Up to 10 percent of the teaching staff in a school district can be program participants. LEAs may see a minimal increase in expenditures associated with required criminal history record checks for participants. The LFO estimates that a single criminal history record check will cost \$54.25, composed of a \$13.25 federal background check fee, a \$26 state background check fee, a \$10 vendor fingerprinting fee, and a \$5 sheriff's technology fee. LEAs would also be responsible for \$2,000

stipend payments to mentor teachers who may be assigned to participants, subject to appropriation of funds for that purpose. All of these impacts are dependent on the extent to which an LEA opts to participate in the program.

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

The proposed rule revisions will not have a determinable 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)

The proposed rule revisions will provide individuals holding an associate's degree who are interested in becoming a teacher a means to work in the school setting, making 75% of the average teacher salary in the school district. This represents a potential increase in quality of life and family income for these individuals as well as giving them the opportunity to gain teaching experience. Employers will have an additional route to explore in filling classroom vacancies with individuals who can provide stability for students.

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

The proposed rule revisions provide an additional route by which schools may employ individuals who wish to become educators, effective through December 31, 2033. The proposed rule revisions will provide LEAs who opt to participate in the program the opportunity to address teacher shortages by expanding the pool of qualified candidates. This expansion may also lead to increased competition for teaching positions.

Beth Scioneaux  
Deputy Superintendent  
2310#028

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

School Administration and Safety  
(LAC 28:LXXIX.107, 125, 1309, 1901; CXIII.903;  
CXV.337, 339, 504, 511, 915, 1103, 1127, 1315, 2305,  
2317, 2367; CXXXIX.4003 and CLVII.509)

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:LXXIX. *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*; LAC 28:CXIII. *Bulletin 119—Louisiana School Transportation Specifications and Procedures*; LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School Administrators*; LAC 28:CXXXIX. *Bulletin 126—Charter Schools*, and LAC 28:CLVII. *Bulletin 135—Health and Safety*. The aforementioned revisions in LAC 28:LXXIX. *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* set forth additional requirements regarding school accreditation, suicide prevention, transportation, and the repeal of teaching authorization requirements. The aforementioned revisions in LAC 28:CXIII. *Bulletin 119—Louisiana School Transportation Specifications and Procedures* implement additional requirements regarding the safe loading and unloading of students from buses and during carpool in elementary schools. The aforementioned revisions in LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School*