



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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November 10, 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: Tavares A. Walker, 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, 2024, Notice of Intent that was promulgated on pages 1522-1530 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, 2025, 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.

TAW: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  
Tavares A. Walker, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

Tavares A. Walker  
Executive Director

Dr. Cade Brumley  
State Superintendent

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, 2024, to Tavares A. Walker, 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 Tavares A. Walker, 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.

Tavares A. Walker  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Advisory Groups and Remote  
Participation**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change aligns Board of Elementary and Secondary Education (BESE) policy with Act 393 of the 2023 RS. The rule change adopts requirements to provide accommodations, upon request, to persons with disabilities to facilitate participation in advisory group meetings. Further changes revise policy regarding Department of Education (LDOE) and BESE advisory group membership and meetings.

**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 potential anticipated benefits to directly affected persons as a result of the proposed rule change. Remote participation by members of an advisory group or the public who have a disability may expand stakeholder input while reducing travel time and expense that may be incurred for an in-person meeting.

**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  
2A10#060

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 126—Charter Schools  
Charter Schools

(LAC 28:CXXXIX.101, 311, 503, 515, Chapter 11, 1301,  
1303, Chapter 15, 1701, 2105, 2107, 2501, Chapter 27,  
Chapter 29, 3903, 4003, 4005, and Chapter 43)

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:CXXXIX in Bulletin 126—*Charter Schools*. The proposed amendments align BESE policy with legislation enacted by the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 172: extension and renewal, Act 198: local special education advisory council, Act 216: mandatory reporters; Act 331: print “988” on student ID cards; Act 334: charter law and notice; Act 337: expulsion; Act 352: tobacco and marijuana products; Act 364: Type 2 charter applicants with a corporate sponsor; Act 375: school nurse training; Act 400: discipline; Act 428: ten-point grading scale; Act 659: student enrollment percentages; Act 680: student names; Acts 686 and 716 required instruction and trainings; and Act 780: student discipline.

**Title 28**

**EDUCATION**

**Part CXXXIX. Bulletin 126—Charter Schools**

**Chapter 1. General Provisions**

**§101. Purpose, Scope, and Effect**

A. The purpose of this bulletin is to provide rules to govern the implementation of R.S. 17:3971 *et seq.*, the “Louisiana Public Charter School Law” (hereafter, the “Charter School Law”).

B. - C. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 34:1357 (July 2008), amended LR 51:

**Chapter 3. Charter School Authorizers**

**§311. Application Process for Locally-Authorized  
Charter Schools**

A. - A.1. ...

a. Upon submission of an application for a Type 1 or Type 3 charter school to a local charter authorizer, an applicant shall provide notice to the LDOE.

A.2. - F.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, 17:93, and R.S. 17:3983.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education LR 44:231 (February 2018), amended LR 47:570 (May 2021), LR 51:

## Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools

### §503. Eligibility to Apply for a Type 2 Charter School

A. - A.4. ...

5. except as provided in Subsections B, C, or F of this Section, has submitted a proposal for a type 1 or type 3 charter school to the local school board in whose jurisdiction the charter school is proposed to be located which:

A.5.a. - E. ...

F. Applicants applying to operate a charter school with a corporate partner, as defined in §3903 of this Part, are not required to submit a Type 1 charter application to such local school system and may submit a proposal for a Type 2 charter school directly to BESE.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:232 (February 2018), LR 47:571 (May 2021), LR 51:

### §515. Application Components for BESE-Authorized Charter Schools

A. - D.8. ...

9. a description of how the proposed charter school fulfills one or more of the purposes specified in the charter school law and this bulletin, including how the best interests of students who are economically disadvantaged will be considered;

10. ...

11. the school plan for identifying and successfully serving students with disabilities, English language learners, students with academic difficulties, students who qualify as economically disadvantaged, and gifted and talented students, as applicable, in order to comply with applicable laws and regulations;

D.12. - H.13. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013), LR 43:2477 (December 2017), LR 44:233 (February 2018), LR 44:2130 (December 2018), LR 47:572 (May 2021), amended LR 50:656 (May 2024), LR 51:

## Chapter 11. Ongoing Review of Charter Schools

### §1101. Evaluation for BESE-Authorized Charter Schools

A. - I.2.a. ...

b. transparency in student applications and enrollment;

I.2.c. - 3. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:871 (March 2011), repromulgated LR 37:1124 (April 2011), amended LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 39:1433 (June 2013), LR

39:3065 (November 2013), amended LR 40:1322 (July 2014), LR 44:235 (February 2018), LR 44:2130 (December 2018), LR 51:

### §1103. Alternate Renewal Standards for Certain BESE-Authorized Charter Schools

A. BESE may approve alternate renewal standards for a charter school serving a unique student population or populations, or for a charter school that is not included in the Louisiana School and District Accountability System provided that:

1. ...

2. the alternate renewal standards are set forth in a framework approved by BESE; and

3. the alternate renewal standards include specific academic performance criteria.

B. The department shall develop the alternate renewal standards framework and shall engage with charter schools requesting use of such framework to determine the specific criteria to be included in the framework to be proposed for approval by BESE.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1366 (July 2008), amended LR 40:1322 (July 2014), LR 44:236 (February 2018), LR 51:

### §1105. Intervention Process for BESE-Authorized Charter Schools

A. The charter school performance compact must include an intervention process that articulates the steps the Department of Education may take should a school fall out of compliance with requirements outlined in the charter school performance compact, law, or BESE policy. The stages of the intervention process shall include, at a minimum:

A.1. - A.3. ...

4. revocation review. Upon failure to meet the requirements specified in the notice of breach, in instances of ongoing and significant concerns, or when the safety, health, or welfare of students is threatened, the department may initiate a revocation review. The review may include additional visits to the school or an in-depth audit to assess financial and/or organizational health. Findings from the revocation review will determine whether the LDOE shall commence revocation proceedings, whether the school will be granted a new or revised notice of breach, or whether reconstitution of the governing board will be recommended in accordance with §2105 of this Part.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 39:1435 (June 2013), amended LR 44:236 (February 2018), LR 51:

## Chapter 13. Charter Term

### §1301. Initial Charter

A. An approved charter shall be valid for an initial term of five years.

B. A charter operator shall have a right to operate a charter school during its initial five year term unless the charter is revoked or surrendered.

C. A charter operator's right to operate a charter school shall cease upon the expiration of the initial five year term, unless the charter operator is granted an extension in accordance with Subsection D of this Section.



D. In the event of extraordinary circumstances, the initial charter may be extended by the same length of time as the impacting occurrence. Qualifying extraordinary circumstances include:

1. lack of issuance of a school performance score;
2. qualification as a severe impact school in accordance with LAC 28:XI.4503 (*Bulletin 111*); or
3. other extraordinary circumstances as certified by the state superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1366 (July 2008), amended LR 38:3118 (December 2012), LR 51:

### §1303. Extension Review for BESE-Authorized Charter Schools

A. Each charter school shall be reviewed by its chartering authority after the completion of the fourth year of operation. If the charter school is achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall extend the duration of the charter for a maximum initial term of five years. If the charter school is not achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall not extend the duration of the charter, and the charter shall expire at the end of the school's fifth year.

B. - B.5. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:2387 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 39:1435 (June 2013), LR 39:3065 (November 2013), LR 40:1322 (July 2014), LR 41:1264 (July 2015), LR 43:2477 (December 2017), LR 44:237 (February 2018), LR 51:

## Chapter 15. Charter Renewal

### §1501. Renewal of Charter

A. - C. ...

D. Charter renewal criteria shall include academic performance and progress indices, as well as distinguish among charter schools with selective admissions criteria, charter schools without selective admissions criteria, and alternative charter school educational models.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 44:237 (February 2018), LR 51:

### §1505. Eligibility for Renewal for BESE-Authorized Charter Schools (Formerly §1503.B)

A. - A.1. ...

2. the school growth is in the top quartile of the state in the most recent year and for more than half of the years in which the school received a growth score during the charter term; or

3. the school falls within the top quartile of the state in at least three of the following categories:

- a. total SPS;
- b. growth score;

- c. English learner proficiency growth;
  - d. growth for economically disadvantaged students;
- or
- e. growth for students with disabilities.

B. For subsequent renewals, a BESE-authorized charter school receiving a letter grade of "D" or "F" in the prior academic year will not be eligible for renewal, unless one of these conditions are met:

1. - 2.a. ...

b. the school growth is in the top quartile of the state in the most recent year and for more than half of the years in which the school received a growth score during the charter term; or

i. Repealed.

c. the school falls within the top quartile of the state in at least three of the following categories:

- i. total SPS;
- ii. growth score;
- iii. English learner proficiency growth;
- iv. growth for economically disadvantaged students; or
- v. growth for students with disabilities.

C. - E. ...

F. A recommendation for non-renewal may also include a recommendation that a new charter provider operate the school or that the charter governing board be reconstituted in accordance with §2105 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015), amended LR 44:238 (February 2018), LR 46:788 (June 2020), LR 51:

### §1507. Renewal Term Length for BESE-Authorized Charter Schools (Formerly §1503.C)

A. For each charter school meeting the eligibility criteria for renewal, the state superintendent shall recommend that BESE renew of the charter for a specified number of years as provided for in Subsection C of this Section, unless the charter school has significant, intentional, or repeated non-compliance with financial or organizational requirements outlined in the charter school performance compact, in which case the state superintendent may recommend that BESE allow the charter to expire at the conclusion of the school's current charter term.

B. - B.2. ...

C. The state superintendent shall recommend renewal term lengths. Minimum renewal term lengths with potential additional years are based on organizational and financial performance over the current term.

1. A charter school with a current letter grade of A shall receive a minimum term length of 6 years, with potential additional years as follows:

- a. Does not meet expectations in any year, no additional years;
- b. Meets all and/or meets most expectations in all years,  $\leq 2$  years;
- c. Meets all expectations in all years,  $\leq 4$  years.

2. A charter school with a current letter grade of B shall receive a minimum term length of 5 years, with potential additional years as follows:

a. Does not meet expectations in any year, no additional years;

b. Meets all and/or meets most expectations in all years,  $\leq 1$  year;

c. Meets all expectations in all years,  $\leq 2$  years.

3. A charter school with a current letter grade of C shall receive a minimum term length of 4 years, with no additional years.

4. No letter grade or a current letter grade of D or F shall receive a minimum term length of 3 years, with no additional years.

D. - D.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015), LR 44:238 (February 2018), LR 51:

#### **§1509. Automatic Renewal of BESE-Authorized Charter Schools (Formerly §1503.G)**

A. - B.1. ...

2. has demonstrated growth in student academic achievement as measured by a current growth indicator equivalent to a letter grade of "A";

B.3 - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015) LR 44:239 (February 2018), LR 51:

### **Chapter 17. Revocation**

#### **§1701. Reasons for Revocation**

A. - B.2. ...

C. In lieu of revocation, an authorizer may consider reconstitution of the charter school governing board in accordance with §2105 of this Part when the authorizer determines such an action would be in the best interests of the students of the charter school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1368 (July 2008), amended LR 37:872 (March 2011), LR 38:3120 (December 2012), LR 51:

### **Chapter 21. Charter School Governance**

#### **§2105. Reconstitution of Governing Board**

A. A charter authorizer may reconstitute the governing body of a charter school if the charter authorizer determines that the governing body has done any of the following:

1. committed a material and uncorrected violation of applicable law relative to the finances of the school or the health, safety, or welfare of students enrolled at the school;

2. failed to satisfy accountability provisions prescribed by the charter or chartering authority;

3. failed to meet generally accepted accounting standards of fiscal management;

4. committed material violations of the bylaws of the organization or nonprofit laws of the state; or

5. is imminently insolvent as determined by the chartering authority.

B. Prior to a decision regarding reconstitution of a charter governing body, the charter authorizer shall conduct a public hearing regarding the recommendation to reconstitute.

C. In any decision regarding reconstitution of a governing body, the charter authorizer shall consider the best interests of the students at the charter school, the severity of the violation, any previous violation, and the accreditation status of the school.

D. In the event of reconstitution of a governing body, the composition of the governing body shall comply with §2101 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 51:

#### **§2107. Prohibitions**

A. - J. ...

1. as an administrator, teacher, substitute teacher, bus operator, substitute bus operator, janitor, or other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C);

2. - 2.c. ...

K. A charter school shall not require the parent or legal guardian of any student to disclose any medical information or special education needs, income, or economically disadvantaged status prior to enrollment in the charter school, unless otherwise specifically required by law. However, a charter school may provide enrollment preference to a student with special needs or who is economically disadvantaged when information regarding such needs has been voluntarily provided by the parent or legal guardian of the student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 44:241 (February 2018), LR 44:2134 (December 2018), LR 51:

### **Chapter 25. Charter School Fiscal Responsibility**

#### **§2501. Qualified and Competent Business Professional**

A. - D. ...

1. The Louisiana Association of Public Charter Schools (LAPCS) may develop a charter school business professional certification program comparable to the CLSBA and CLCSBA certification issued by LASBO and required in LAC 28:XLI (*Bulletin 1929*). The certification program plan shall include a training curriculum, compliance tracking and data reporting system and must be submitted to the LDOE for approval.

2. A certification issued by LAPCS may substitute for the requirements under LAC 28:XLI.1301 once the plan is approved by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013), LR 44:241 (February 2018), amended LR 50:657 (May 2024), LR 51:

## **Chapter 27. Charter School Recruitment and Enrollment**

### **§2705. Admission Requirements for BESE-Authorized Charter Schools**

A. ...

B. Admission requirements imposed by a school must be set forth in the charter school's approved charter contract and shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a child with an exceptionality as defined in R.S. 17:1942(B), or identification as a student who is economically disadvantaged. Such admission requirements may include, however, specific requirements related to a school's mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission. Any charter school which began operation prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admissions requirements may continue to utilize such admission requirements. No charter school beginning operation on or after July 1, 2012 may incorporate the achievement of a certain academic record as part of its admission requirements.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 37:875 (March 2011), LR 38:3120 (December 2012), LR 44:243 (February 2018), LR 51:

### **§2707. Application Period for BESE-Authorized Charter Schools**

A. Prior to each school year, a charter school shall establish a designated student application period. Application information shall be made available to all applicants and posted on the school website, to include at least the following:

1. enrollment eligibility;
2. program enrollment capacity;
3. application period; and
4. notice of application and enrollment dates.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 43:310 (February 2017), LR 51:

### **§2709. Enrollment of Students, Lottery, and Waitlist in BESE-Authorized Schools**

A. - D.2.a. ...

b. Lottery information shall be made available to all applicants, including but not limited to when and where the lottery will be conducted, the mechanism by which the lottery will be conducted, and the results of the lottery including any wait list information.

c. Applicants placed on a lottery enrollment wait list shall be notified of their wait list ranking and notified of any changes to the enrollment wait list throughout the year.

d. An established lottery shall occur each successive year, as necessary.

e. Lottery enrollment wait lists shall not roll over from one school year to the next.

3. If a charter school's enrollment capacity is increased for the purpose of enrolling students displaced due to a federally-declared disaster and the charter school's designated application period has passed, the charter school may enroll students displaced due to a federally-declared disaster on a first-come, first-served basis until the enrollment capacity is reached.

E. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 38:753 (March 2012), repromulgated LR 38:1395 (June 2012), amended LR 38:3120 (December 2012), LR 39:1021 (April 2013), LR 39:1437 (June 2013), LR 39:3252 (December 2013), LR 41:1265 (July 2015), LR 43:310 (February 2017), LR 43:2478 (December 2017), LR 44:243 (February 2018), LR 51:

### **§2713. Required Student Enrollment Percentages**

A. - D. ...

1. the charter school percentage of economically disadvantaged students shall be greater than or equal to 70 percent of the percentage of economically disadvantaged students from the local public school districts from which the charter school enrolls; and

2. the charter school percentage of students with exceptionalities shall be greater than or equal to 70 percent of the percentage of students with exceptionalities from the local public school districts from which the charter school enrolls.

E. - H.2. ...

a. Failure to meet the requirements of this Section does not solely constitute grounds for revocation of a charter; however, the charter authorizer may require compliance with actions prescribed pursuant to this Subsection.

b. Required actions may include, but are not limited to, targeted outreach efforts and enrollment lotteries weighted proportionately to the specific deficiency identified in the required percentages.

c. Each school is responsible for maintaining documentation of outreach efforts and lottery proceedings conducted in an effort to meet the requirements of this Section.

I. If the aggregate student enrollment data for all of the charter schools located within the boundaries of the city or parish school system in which a charter school is located meets the enrollment requirements of economically disadvantaged students and students with exceptionalities, not including gifted and talented, every charter school located within the boundaries of the school system shall be



deemed to be in compliance with the provisions of this Section.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:550 (April 2016), LR 43:310 (February 2017), LR 43:2478 (December 2017), LR 51:

## **Chapter 29. Charter School Staff**

### **§2903. Teaching Authorizations**

Repealed.

**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 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), repealed LR 51:

### **§2905. Criminal History Review**

A. - A.2. ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1 shall be hired by a public elementary or secondary school as a teacher, substitute teacher, school bus operator, substitute school bus operator, janitor, or as any school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children.

1. Repealed.

C. ...

D. - D.1. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 39:3068 (November 2013), LR 44:245 (February 2018), LR 44:2134 (December 2018), LR 51:

### **§2907. Mandatory Reporters**

A. Any school employee or school resource officer having reasonable cause to believe that a student has been mentally, physically, or sexually abused shall report these facts to the appropriate authorities.

B. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred.

C. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter from complying with reporting requirements.

D. An employer shall not enact policies that prohibit or limit mandatory reporting to the Louisiana Department of Children and Family Services and/or state or local law enforcement.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 51:

## **Chapter 39. Corporate Partnerships**

### **§3903. Requirements for Corporate Partnerships**

A. A corporate partner is any legal entity except for a corporation identified in R.S. 18:1505.2(L)(3), whether for profit or not for profit, registered with the secretary of state, a regional airport, or any federal or state agency, including a public postsecondary education institution, that has, acting

individually or as part of a consortium of corporations, donated or provided one or more of the following to the school:

A.1. - D. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 38:753 (March 2012), repromulgated LR 38:1395 (June 2012), amended LR 51:

## **Chapter 40. Charter School Autonomy**

### **§4003. Applicability of State Laws**

A. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

1. - 6. ...

7. tobacco or marijuana products, R.S. 17:240;

8. - 11. ...

12. Repealed.

13. - 20. ...

21. Repealed.

22. ...

23. Repealed.

24. - 28. ...

29. Repealed.

30. - 31. ...

32. school crisis management and response plans, R.S. 17:416.16 and LAC 28: CXV.339 (*Bulletin 741*);

33. - 34. Repealed.

35. - 42. ...

43. Repealed.

44. ...

45. - 46. Repealed.

47. - 51. ...

52. use of certain names and pronouns for students and employees, R.S. 17:2122;

53. ten-point grading scale, R.S. 17:184;

54. school nurse in-service training relative to sickle cell disease, R.S. 17:436.5.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:178 (February 2024), LR 50:657 (May 2024), repromulgated LR 50:783 (June 2024), amended LR 51:

### **§4005. Other Statutory Requirements**

A. ...

B. Each local public school superintendent or the administrative head of a charter school shall create a special education advisory council (SEAC) in accordance with IDEA and LAC 28: CXV.331 *Bulletin 741*.

C. The governing authority of each public secondary school that issues student identification cards shall have printed on the cards and shall have posted on the school website the following information:

1. the National Suicide Prevention Lifeline hotline number, "988"; and

2. a local suicide prevention hotline number, if available.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:247 (February 2018), amended LR 51:

#### **Chapter 43. Discipline**

##### **§4301. Disciplinary Regulations**

A. Each charter school shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.

1. The plan shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons. A student whose behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well-being of any student or teacher shall be immediately removed from the classroom and placed in the custody of the principal or designee.

2. ...

3. The plan shall not prohibit or discourage a teacher from taking disciplinary action, recommending disciplinary action, or completing a form to initiate disciplinary action against a student who violates school policy or who interferes with an orderly education process.

4. A principal or administrator shall not retaliate or take adverse employment action against a teacher for taking disciplinary action.

5. Each charter school shall adopt rules regarding the reporting and review of disciplinary actions.

B. - G.2.c.xi. ...

xii. requiring the completion of all assigned school work and homework that would have been assigned and completed by the student during the period of out-of-school suspension.

xiii. any other disciplinary measure authorized by the principal with the concurrence of the teacher of the school building level committee pursuant to law and charter school policy.

3. ...

4. Upon the third disciplinary removal from the same classroom, the teacher and principal shall discuss the disruptive behavior patterns of the student and the appropriate classroom disciplinary action prior to principal application of a disciplinary measure. A conference between the teacher or other appropriate school employee and the student's parent or legal custodian is required prior to student readmission to the same classroom. Such conference may be in person, by telephone, or by other virtual means. If such a conference is required by the school or charter school policy, the school shall give written notice to the parent.

G.5. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:999 (April 2022), amended LR 51:

##### **§4303. Student Code of Conduct**

A. - A.4. ...

a. Before an initial referral for student expulsion, codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code of conduct, except in instances where the expulsion referral is the result of accumulated minor infractions in accordance with the code of conduct, or the underlying incident threatens the safety and health of students or staff, or the offense is related to possession of tobacco, alcohol, or vaping products on school property, on a school bus, or at a school-sponsored event.

A.4.b. - 5. ...

6. Each charter school shall include in its code of conduct clearly defined rules of conduct and expectations of students engaged in virtual instruction as well as clearly defined consequences of conduct, respecting the student and family rights to privacy and other constitutional rights while at home or in a location that is not school property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81, R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1000 (April 2022), amended LR 51:

##### **§4305. Bullying**

A. - A.2.c. ...

B. - B.5. Repealed.

C. - G.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:415, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1000 (April 2022), LR 49:254 (February 2023), repromulgated LR 49:860 (May 2023), amended LR 51:

##### **§4307. Classroom Management Training for School Staff**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:252.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1002 (April 2022), repealed LR 51:

##### **§4313. Reasons for Expulsions**

A. Students may be expelled for any of the following reasons:

1. Any student, after being suspended for committing any of the offenses listed in §4305 of this Chapter, may be expelled upon recommendation by the principal of the public school in which the student is enrolled.

2. Any student, after being suspended on three occasions for committing drugs or weapons offenses during the same school session, shall, on committing the fourth offense, be expelled from all the public schools of the parish or city school system wherein he or she resides until the beginning of the next regular school year, subject to the review and approval of the local educational governing authority.

3. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board.



a. Such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority.

b. Such expulsions shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, shall run concurrent to the student's period of disposition, and may require the student to serve the time left in the expulsion period as required by the superintendent or designee if the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period.

c. Such conviction or incarceration may be sufficient cause for a superintendent to refuse admission of the student to a school except upon review and approval of a majority of the elected members of the local school board.

4. Any student in sixth grade and above found guilty of being in possession of tobacco, alcohol, or vaping products on school property, on a school bus, or at a school-sponsored event, may be recommended for expulsion.

5. A student in sixth grade and above who is found guilty of being in possession of a firearm, a knife with a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2). The school principal or designee shall, within five days of arrest, refer such student for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances. If evidence of abuse is found, the principal or designee shall refer the student to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian.

6. Any student in sixth grade and above who is suspended a third time within the same school year for any offense, excluding dress code or tardiness, shall be recommended for expulsion.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1003 (April 2022), amended LR 51:

#### §4315. Guidelines for Expulsions

A. - C. ...

D. A student expelled from school pursuant to the provisions of R.S. 17:416 may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city, parish, or other local school superintendent and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. However, any such written agreement shall include a provision that upon the school principal or superintendent of schools determination that the student has violated any term or condition of the agreement, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student out-of-school suspensions and expulsions and returned to the school system alternative

school setting. As soon thereafter as possible, the principal or designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefore to the superintendent and to the student's parent or other responsible person.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1004 (April 2022), amended LR 51:

#### §4321. Corporal Punishment

A. - B. ...

1. Taping a student's mouth shut or otherwise restricting a student's airway in any manner is prohibited regardless of parental consent.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:416.1, R.S. R.S. 17:3981, and 17:3996(B)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1005 (April 2022), amended LR 51:

#### 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? Yes.

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, November 9, 2024, to Tavares A. Walker, 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 Tavares A. Walker, 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.

Tavares A. Walker  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 126—Charter Schools Charter Schools**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change aligns Board of Elementary and Secondary Education (BESE) policy with legislation enacted during the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 172: extension and renewal; Act 198: local special education advisory council; Act 216: mandatory reporters; Act 331: print "988" on student ID cards; Act 334: charter law and notice; Act 337: expulsion; Act 352: tobacco and marijuana products; Act 364: Type 2 charter applicants with a corporate sponsor; Act 375: school nurse training; Act 400: discipline; Act 428: ten-point grading scale; Act 659: student enrollment percentages; Act 680: student names; Acts 686 and 716: required instruction

and trainings; and Act 780: student discipline. Workload may be slightly reduced due to removal of the requirement to conduct an extension review after the third year of a charter school term as well as a renewal review after the fourth year of the term.

**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)**

Workload for charter school administrators may be slightly reduced due to removal of the requirement to apply for an extension review after the third year of a charter school term as well as a renewal review after the fourth year of the term. Workload for charter school teachers may also be reduced due to removal of several state-mandated training requirements.

**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  
2410#059

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 Performance and Professional Development (LAC 28:CXLVII.313 and 331)**

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: CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. The proposed amendments align BESE policy with legislation enacted by the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 193, which requires superintendent contracts to provide that the local superintendent is subject to a performance evaluation. At least fifteen percent of the evaluation shall be based on evidence of growth in student achievement by the end of third grade in literacy, and at least fifteen percent of the evaluation shall be based on evidence of growth in student achievement by the end of third grade in mathematics, as determined by BESE. Further revisions provide teachers greater autonomy in the selection of professional learning.

**Title 28  
EDUCATION**

**Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel  
Chapter 3. Personnel Evaluation  
§313. Professional Learning**

A. A.4. ...

5. Educators rated Proficient or higher on the previous year evaluation should be afforded greater autonomy in the selection of professional learning.

B. ...