



# 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

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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 1545-1546 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

for implementation of Act 650; K-3 numeracy and Act 771: high dosage tutoring. The numeracy screener required by Act 650 is anticipated to cost approximately \$2.5 M in the first year and \$3 M annually thereafter. Development of student-specific numeracy plans and provision of intervention services may have an indeterminable additional impact on educator workload and may result in an increase in expenditures for local education agencies (LEA) in order to compensate these employees. These potential costs will vary by LEA and be dependent on its specific compensation schedule. Based on 2023 data, costs to provide high dosage tutoring services for the approximately 316,374 scores below benchmark in both English Language Arts (ELA) and Math assessments are estimated to total \$30 M.

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

Act 4 of the 2024 RS included a \$30 M appropriation to support the provision of tutoring services in public schools. Based on student data, each school system was notified of the amount of the appropriation it is eligible to receive. Systems will submit to the Department of Education (LDOE), by 9/15/24, a plan and supporting budget to provide expanded academic support to eligible students. Upon approval of the plan, the funds will be released to systems for use in providing tutoring during the school day.

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

Depending on how each school system designs its plan; tutors, tutoring services, current or retired teachers, or trained paraprofessionals could receive additional compensation in exchange for the provision of tutoring services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Additional employment opportunities for tutors, tutoring services, current or retired teachers, or trained paraprofessionals could emerge depending on the demand for tutoring services in a particular region.

Both Scioneaux  
Deputy Superintendent  
2410#054

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 1929—Louisiana Accounting and Uniform  
Governmental Handbook  
Assignment of Chief Operating Officer  
(LAC 28:XLI.1503)**

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:XLI in *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*. The proposed amendments align BESE policy with legislation enacted by the 2024 Regular Legislative Session, adopting requirements for implementation of Act 368 regarding the assignment of a chief operating officer to assist a school system that is in noncompliance with the 70 percent instructional expenditure requirement of the MFP formula.

**Title 28  
EDUCATION**

**Part XLI. Bulletin 1929—Louisiana Accounting and  
Uniform Governmental Handbook  
Chapter 15. Expenditure Requirements  
§1503. Assignment of Chief Operating Officer**

A. The state superintendent of education may provide for the assignment of a chief operating officer to any city, parish, or other local school system that fails for two consecutive years to comply with any minimum instructional expenditure requirement contained in the Minimum Foundation Program formula as adopted by BESE and approved by the legislature.

B. Services of a chief operating officer shall be obtained through a contract for a length of time as determined necessary by the superintendent. The officer shall not be a permanent employee of the LDOE and shall not receive a state salary or associated benefits.

C. The officer shall research the financial position and practices of the system including factors contributing to the noncompliance with the minimum expenditure requirement contained in the Minimum Foundation formula. The officer shall submit a written report of the findings and recommendations generated from the research to the local school board and the state superintendent of education. The findings and recommendations for the system shall be included in any report made to BESE relative to system compliance with the minimum expenditure requirement.

D. The local school board shall develop a plan for compliance based on the officer's recommendations and shall submit the plan to the state superintendent in accordance with the timelines set by LDOE. The plan is subject to approval of the superintendent prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and 17:22.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 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? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, 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 1929—Louisiana Accounting and Uniform Governmental Handbook Assignment of Chief Operating Officer

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed rule change may result in implementation costs for the Department of Education (LDOE), but definitive costs are indeterminable at this time. The proposed rule change adopts requirements for implementation of Act 368 of the 2024 RS regarding the assignment of a chief operating officer to assist a school system that is in noncompliance with the 70% instructional expenditure requirement of the Minimum Foundation Program (MFP) formula. The extent to which such an officer will be assigned is unknown at this time. The work will be accomplished by individuals contracted for the assignment. Initial information provided an estimated cost associated with this work of up to \$150,000 annually. School systems will receive additional support in meeting the expenditure requirement, in the event a COO is assigned to it.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule change may result in the hiring of one or more contracted chief operating officers to assist school systems that are in noncompliance with instructional expenditure requirements of the MFP formula.

Beth Scioneaux  
Deputy Superintendent  
2410#055

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Let Teachers Teach Legislation and Updates  
(LAC 28:XI.907 and 909, LAC 28:LIX.309, and LAC  
28:CXV.333, and 337, Chapter 11, 1315, and Chapter 23)

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:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*, LAC 28:CXV in *Bulletin 103—*