



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 1537-1540 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

~~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#056~~

~~Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office~~

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—School Administration (LAC 28: CXV.333, 337, Chapter 11, 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: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed amendments align BESE policy with legislation enacted by the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 216: Mandatory reporters; Act 324: Behavior health intervention and referral; Act 352: Use of vapes at school; Act 375: School nurse training on sickle cell disease; Act 428: 10 point grading scale; Act 680: Student names; Acts 686 and 716: Required Instruction and Trainings; Act 715: Home study participants to school activities; and Act 780: Discipline/tape mouth. Further changes waive LEAP 2025 civics test score inclusion in final grades during the transition year, add a process for instructional minutes waivers near the end of the school year, add the requirement for a local School Health Advisory Council in accordance with R.S. 17: 17.1, and revise credit recovery units for graduation.

**Title 28
EDUCATION**

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§333. Instructional Time

A. - A.1.b. ...

c. When the request is submitted such that consideration by BESE would occur after the scheduled end of the school year, the state superintendent shall consult with the board president and may approve the request. The approval shall be presented for ratification at the next convening BESE meeting.

A.2. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 44:263 (February 2018), LR 49:32 (January 2023), LR 51:

§337. Written Policies and Procedures

A. - B.4....

5. - 6. Repealed.

7. ...

8. Repealed.

9. - 23. ...

24. Repealed.

25. - 29. ...

30. - 32.d. Repealed.

33. - 34. ...

35. Repealed.

36. - 42. ...

43. use of certain names and pronouns for students and employees in accordance with R.S. 17:2122;

44. school nurse in-service training relative to sickle cell disease;

45. allowing students enrolled in approved home study programs to try out or apply for extracurricular activities or interscholastic athletics in accordance with R.S. 17:176.2.

C. Each LEA shall have written policies and procedures regarding health and safety in accordance with LAC 28:CLVII *Bulletin 135*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(29), R.S. 17:81, R.S. 17:240, R.S. 17:100.8, 17:184, and R.S.17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:429 (March 2007), LR 35:1101 (June 2009), LR 36:1224 (June 2010), LR 37:1141 (April 2011), LR 37:1380, 1380 (May 2011), LR 37:2134 (July 2011), LR 38:40, 41 (January 2012), LR 39:2197 (August 2013), LR 40:2530 (December 2014), LR 48:1273 (May 2022), LR 49:33 (January 2023), LR 49:250 (February 2023), repromulgated LR 49:855 (May 2023), amended LR 50:175 (February 2024), LR 51:

Chapter 11. Student Services

§1107. Entrance Requirements

A. Enrollment.

A.1. - A.1.a. ...

b. a record of immunization or parent dissent; and

A.1.c. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3, 17:170, and 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005), amended LR 33:2353 (November 2007), LR 39:2206 (August 2013), LR 51:

§1135. Child Abuse

A. Any school employee, including a 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. ...

C. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for 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. 14:403.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 51:

§1143. Prohibition against the Use of Tobacco and Marijuana

A. The use of any tobacco, tobacco product, marijuana product, or chemical derivatives thereof, including but not limited to smoked or smokeless products and electronic devices, in any school building, on any school property, or

on any school bus or school vehicle used to transport students is prohibited.

B. The prohibition is applicable to all school employees, students, and visitors. No person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object or device on the grounds of any public or private elementary or secondary school property, except in an area specifically designated as a smoking area.

C. This prohibition shall not be applicable to any tobacco cessation product approved by the U.S. Food and Drug Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:240.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 51:

§1155. School Health Advisory Council

A. Each city, parish, and other local school board shall establish a school health advisory council to advise the board on physical activity for students, physical and health education, nutrition, and overall student health.

B. The council may advise the board on issues relative to compliance with school vending machine restrictions, use of physical fitness assessment results, and school recess policies.

C. The council members shall be appointed by the school board and shall include parents of students and individuals representing the community. All council members shall serve without compensation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17.1.

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

Chapter 13. Discipline

§1315. Corporal Punishment

A. - C. ...

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

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6, R.S. 17:223, and R.S. 17:416.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 39:2212 (August 2013), LR 43:2483 (December 2017), LR 50:177 (February 2024), LR 51:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2302. Uniform Grading Policy

A. LEAs shall use the following uniform ten point grading scale for students enrolled in all grades K-12 for which letter grades are used.

1. 90-100 points is an A.
2. 80-89 points is a B.
3. 70-79 points is a C.
4. 60-69 points is a D.
5. 0-59 points is an F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(31)(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2390 (August 2011), amended LR 39:2213 (August 2013), LR 51:

§2318. The TOPS University Diploma

A. - A.6.a.i. ...

ii. U.S. history scores from the fall and spring administrations in 2017-2018;

iii. biology scores from the fall and spring administrations in 2018-2019; and

iv. civics scores from the fall and spring administration in 2024-2025.

A.6.b. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), repromulgated LR 48:1092 (April 2022), amended LR 48:2098 (August 2022), LR 48:2560 (October 2022), LR 49:642 (April 2023), LR 49:862 (May 2023), LR 50:480 (April 2024), LR 51:

§2319. The Career Diploma

A. - B.7.a.i. ...

ii. U.S. history scores from the fall and spring administrations in 2017-2018;

iii. biology scores from the fall and spring administrations in 2018-2019; and

iv. civics scores from the fall and spring administrations in 2024-2025.

B.7.b. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:2560 (October 2022), LR 49:252 (February 2023), LR 49:643 (April 2023), repromulgated LR 49:858 (May 2023), LR 50:482 (April 2024), amended LR 50:972 (July 2024), LR 51:

§2324. Credit Recovery

A. - B.1. ...

2. A maximum of seven credit recovery units may be applied towards graduation requirements with no more than two annually. If additional credits are utilized, the rationale must be reported to LDOE.

B.2.a. - b. Repealed.

3. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2352 (November 2007), amended LR 38:3134 (December 2012), amended LR 39:2216 (August 2013), LR 39:3260 (December 2013), LR 46:1084 (August 2020), 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 741—Louisiana Handbook for School Administrators—School Administration

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change aligns Board of Elementary and Secondary Education (BESE) policy with legislation enacted in the 2024 Regular Legislative Session. The rule adopts requirements for implementation of Act 216: Mandatory reporters; Act 324: Behavior health intervention and referral; Act 352: Use of vapes at school; Act 375: School nurse training on sickle cell disease; Act 428: 10-point grading scale; Act 680: Student names; Acts 686 and 716: Required Instruction and Trainings; Act 715: Home study participants to school activities; and Act 780: Discipline/tape mouth. Further changes waive LEAP 2025 civics test score inclusion in final grades during the transition year, add a process for instructional minutes waivers near the end of the school year, add the requirement for a local School Health Advisory Council in accordance with R.S. 17:17.1, and revise credit recovery units for graduation.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2410#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators
Nonpublic Schools Legislative Response
(LAC 28:LXXIX.119, 121, 903, 1101, 1303, 1309, 1311, and 1501)

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: LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The proposed amendments align BESE policy with legislation enacted by the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 216: mandatory reporters; Act 331: print "988" on student ID cards; Act 352: use of vapes/marijuana at school; Act 460: vaccine status discrimination; Act 674: COVID vaccine not required for enrollment or attendance; and Acts 686 and 716: required instruction and training.

**Title 28
EDUCATION**

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 1. Operation and Administration

§119. Written Policies

- A. - B. ...
- C. - C.4. Repealed.
- D. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:416.11, R.S. 44:411, and R.S. 17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022), LR 49:36 (January 2023), LR 51:

§121. Emergency Planning and Procedures

- A. - B.1.c. ...

C. Preventative Programs. Each nonpublic school shall develop, as a component of the Crisis Management and Response Plan, one hour of training in each of the following areas. The school selecting and providing the initial training must provide the educator with a certificate containing the educator's name, date of completion, length of training, and

topic covered. The educator and school shall maintain documentation of the training, once completed, which is sufficient to satisfy this requirement upon transfer to another school or school system.

1. communicable diseases and universal precautions;
2. adverse childhood experiences;
3. mental health;
4. bullying;
5. first aid; and
6. suicide prevention.

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. 17:391.1-391.10, R.S. 17:411, R.S. 17:416.16, and R.S. 29:726.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 40:766 (April 2014), LR 51:

**Chapter 9. Student Services
§903. Entrance Requirements**

- A. - A.1. ...
- 2. a record of immunization or parent dissent; and
- A.3. - B. ...

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. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005), LR 51:

**Chapter 11. Health
§1101. Immunization**

A. Each student entering any school within the state for the first time, at the time of registration or entry, shall present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to a schedule approved by the Office of Public Health (OPH), Department of Health and Hospitals (DHH), parental dissent, or shall present evidence of an immunization program in progress.

- A.1. - H. ...

I. No teacher, school employee, or administrator shall discriminate based on a student's vaccine status to determine eligibility or participation in any classroom, school, or extracurricular activity, including organizing seating arrangements or issuing surveys to students relative to vaccine status.

J. No person shall be required to receive a COVID-19 vaccine as a condition of initial enrollment or continuing attendance at any nonpublic school or facility.

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, 44:411, 17:170(D), and 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), amended LR 50:973 (July 2024), LR 51:

**Chapter 13. Preventive Programs
§1303. Abuse**

A. Any school employee, including a 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.