



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 1540-1542 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

~~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.

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. 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 29:2348 (November 2003), amended LR 31:3079 (December 2005), LR 51:

§1309. Suicide Prevention

A. - A.7. Repealed.

B. The governing authority of each nonpublic 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. ...

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, 17:411, and 17:437.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:38 (January 2019), amended LR 45:1055 (August 2019), amended LR 45:1747 (December 2019), LR 50:174 (February 2024), LR 51:

§1311. Bullying

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

B. - B.5. Repealed.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), repromulgated LR 49:852 (May 2023), amended LR 51:

Chapter 15. Building Operation and Maintenance

§1501. Building and Maintenance

A. - B. ...

C. 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. The prohibition is applicable to all school employees, students, and visitors. This prohibition shall not be applicable to any tobacco cessation product approved by the U.S. Food and Drug Administration.

D. 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 nonpublic elementary or secondary school property, except in an area specifically designated as a smoking area.

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. 17:240.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005), 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? Yes.

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 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Nonpublic Schools Legislative Response

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 in the 2024 Regular Legislative Session. The rule change adopts 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.

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)

The proposed rule change may result in a decrease in workload for teachers and administrators due to the removal of several state-mandated training requirements for educators. There are no anticipated impacts to small businesses or nongovernmental groups.

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#061

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures Numeracy and High Dosage Tutoring (LAC 28:XXXIX.Chapter 7)

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:XXXIX in *Bulletin 1566—Pupil Progression Policies and Procedures*. The proposed amendments align BESE policy with legislation enacted during the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 650: K-3 numeracy and Act 771: high dosage tutoring.

Title 28

EDUCATION

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

Chapter 7. Promotion and Support Policy

§700. Support Standard for Grades Kindergarten-3

A. ...

1. Beginning with the 2026 - 2027 school year and beyond, each LEA shall identify all students in kindergarten, first, second, and third grades who score below grade level on the numeracy screener.

B. The school shall notify the parents or legal guardian of students identified as scoring below grade level pursuant to this Section in writing regarding the student's performance within 15 days of identification. Such notification shall:

1. Provide information on activities that can be done at home to support the student's literacy and/or numeracy proficiency.

2. Provide information about supports and interventions that will be provided by the school to support the student's literacy and/or numeracy proficiency.

B.3. - C. ...

1. Repealed.

D. Beginning no later than the 2026 - 2027 school year, a student in kindergarten through third grade, within 30 days of being identified as being below grade level based on the numeracy screener shall receive an individual numeracy improvement plan. The plan shall be created by the teacher, principal, other pertinent school personnel, and the parent or legal guardian; describe the evidence-based numeracy intervention services the student will receive; and include suggestions for strategies parents can use at home.

E. The school shall provide mid-year and end-of-year updates to the parent or legal guardian of students identified as below grade level pursuant to this Section.

F. The LDOE may audit a random sampling of the plans required by this Section in each LEA. The plans may be consolidated into a single expanded academic support plan in accordance with §705 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17.7; R.S. 17:24.4; and R.S. 14:24.10.