



LOUISIANA DEPARTMENT OF EDUCATION

August 19, 2016

Mr. James Garvey, President
 Louisiana Board of Elementary and Secondary Education
 1201 North Third Street
 Baton Rouge, LA 70802

Dear President Garvey:

Pursuant to the authority granted to the BESE President in LAC 28:I.305.B., to make ad hoc decisions for the board in times of emergency, and subject to ratification by the board, I am requesting a waiver of the following BESE rules for Louisiana local education agencies impacted by or seeking to enroll students displaced as a result of the recent federally declared disaster, *Louisiana Severe Storms and Flooding (DR-4277)*:

| Bulletin | Section | Topic | Description of Rule to be Waived |
|--|-----------------------|--------------------------------|---|
| 133, <i>Scholarship Programs</i> | 301.A. 1., 2., and 3. | School Registration Process | Schools interested in participating in the program must submit to the LDE a notice of intent within a specified timeline and adhere to certain published processes. |
| 741, <i>Louisiana Handbook for School Administrators</i> | 903.A. | Exceptional Students | Exceptional students shall not be placed in educational settings that exceed the maximum pupil:teacher ratio or the three-year chronological age span. |
| | 905.A. | Elementary – Grades per Class | Elementary teachers shall teach no more than two grades in a combined group except in band, music, and art. |
| | 913. A., B., and C. | Class Size and Ratios | Sets maximum enrollment for K-12 and maximum student instruction hours per week for secondary teachers. |
| | 1125.B. | Comprehensive Counseling | Provides for secondary school counselor ratio shall be 1:450. |
| | 1705.H. | School Libraries/Media Centers | Provides for school librarian ratios. |
| | 2307 | Literacy Screenings | Requires that every child enrolled in kindergarten through third grade be given a BESE-approved literacy screening within the first 30 days of the school year. |

Louisiana Believes.

| | | | |
|--|-----------------------|---|--|
| 741, Louisiana Handbook for School Administrators (Nonpublic) | 707 | Class Size and Ratio | Provides for maximum allowable enrollments, PK4, and PK3. |
| | 3013 (A.)-(B.) | Required Child/Staff Ratios | Provides for PK3 student:teacher ratios. |
| 1530, Louisiana's IEP Handbook for Students with Exceptionalities | 127.A. | Three-Year Age Span | Unless specifically permitted by the State Board of Elementary and Secondary Education, there shall not be a chronological age span of more than three years within a special education class. |
| 1706, Regulations for Implementation of the Children with Exceptionalities Act | 1001 (A)(1) – (A)(13) | Pupil:Teacher, Pupil:Speech,Language Pathologist, and Pupil Appraisal Ratios for Public Education | Provides for pupil:teacher, and pupil appraisal ratios for public education. |
| | 2001 (A) – (B)(4) | Pupil:Teacher, and Pupil Appraisal Ratios for Public Education | Provides for pupil:teacher, and pupil appraisal ratios for public education. |

In addition, I am requesting approval of the attached revisions to Bulletin 126, as emergency rule, in order to enable state-authorized charter schools to enroll students displaced from the disaster. These proposed revisions are summarized below:

| Bulletin | Section | Topic | Description of Emergency Rule |
|----------------------|---------|---|--|
| 126, Charter Schools | 2701 | Students Eligible to Attend | Add language allowing displaced students from a federally declared disaster to attend |
| | 2703 | Enrollment Capacity | Add language authorizing state superintendent to adjust enrollment capacity of a state-authorized charter school's approved charter contract in order for the school to enroll students displaced from a federally declared disaster |
| | 2707 | Application Period | Add language permitting charter schools to accept student applications outside of the designated application period if students are displaced due to a federally declared disaster |
| | 2709 | Enrollment of Students, Lottery, and Waitlist | Add language permitting charter schools to accept student applications outside of the designated application period if students are displaced due to a federally |

| | | | |
|--|--|--|---|
| | | | declared disaster. Charter schools shall accept such students on a first come, first served basis as capacity exists. |
|--|--|--|---|

If approved, these waivers of BESE rules and revisions to Bulletin 126 by emergency rule will be subject to the ratification of the state board at its next regularly scheduled meeting and will be immediately communicated to impacted local education agencies as they attempt to respond to this devastating event. Thank you for your consideration of this request.

Sincerely,



John White
State Superintendent of Education

Approved: James Garvey Date: 8/19/2016
James Garvey, President
Louisiana Board of Elementary and Secondary Education