



# LOUISIANA DEPARTMENT OF EDUCATION

September 15, 2020

Mrs. Sandy Holloway, President  
Louisiana Board of Elementary and Secondary Education  
1201 North Third Street  
Baton Rouge, LA 70802

President Holloway:

Pursuant to the authority granted to the BESE President in LAC 28:1.305.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 BESE rules to support early childhood centers and in-home providers severely impacted by the recent COVID-19 public health emergency.

## **Rules Impacting Family Child Care Providers and In-Home Child Care Providers (Bulletin 139—Louisiana Child Care and Development Fund Programs)**

- Bulletin 139, §512.A. – Redetermination of Household Certification for Non-Categorically Eligible Households. Allow the Department to extend the eligibility for child care services to eligible households beyond the 12 month period if the certification period is set to expire between March 13, 2020 and November 01, 2020. This waiver shall remain in effect until November 1, 2020.
- Bulletin 139, §512.B. – Redetermination of Household Certification for Non-Categorically Eligible Households. Allow the Department to extend the eligibility for child care services to eligible households whose 12 month period for Graduated Phase-Out is set to expire between March 13, 2020 and November 01, 2020.
- Bulletin 139, §515.A. – Payments Made on Behalf of Households. Allow Family Child Care Providers and In-Home Providers to receive the same state maximum payments of Type III CCAP providers. This waiver shall remain in effect from March 13, 2020 until November 1, 2020, unless terminated sooner by BESE.
- Bulletin 139, §515.B.-D. – Payments Made on Behalf of Households. Allow the Department to issue payments to providers on behalf of eligible households at the state maximum daily rate for CCAP care, regardless of the number of hours the child is actually in care; to allow for the Department to waive the requirement for eligible CCAP households to pay co-payments; to allow for the Department to issue payments to the providers prior to the child care being provided. This waiver shall remain in effect from March 13, 2020 until November 1, 2020, unless terminated sooner by BESE.
- Bulletin 139, §517.B. – CCAP Household Reporting Requirements. Allow the Department to extend the reporting requirements for CCAP Households from the required 10 days to 90 days. This extension shall remain in effect from March 13, 2020 until November 1, 2020.

## **Rules Impacting Publicly-Funded Early Childhood Care and Education Programs and Community Networks (Bulletin 140—Louisiana Early Childhood Care and Education Network):**

- Bulletin 140, §503.C.1.b.iii. – Coordinated Observation Plan and Observation Requirements. Waive the requirement that community networks conduct inter-rater reliability observation checks for 10 percent of all classrooms observed during the 2020 fall observation period and the requirement that reliability observation checks for the 2020-2021 school include every observer.

Pursuant to the authority granted to the BESE President in LAC 28:1.305.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 BESE rules to allow Louisiana local education agencies (LEA) most severely impacted by or seeking to enroll students displaced as a result of the recent federally declared disaster, *Louisiana Hurricane Laura (DR-4559-LA)*.



# LOUISIANA DEPARTMENT OF EDUCATION

## **Rule Impacting School Systems**

**(Bulletin 119—Louisiana School Transportation Specifications and Procedures, Bulletin 741—Louisiana Handbook for School Administrators)**

- Bulletin 119, §2509.B.-C. – Used School Buses. Current rule requires all replacement school buses used on daily routes, at the time they are acquired by the owner, to be 10 or fewer model years old for all owners/operators and school districts. The waiver would allow replacement buses, at the time they are acquired by the owner, to be 10 or more model years old. However, replacement school buses must be no more than twenty-five model years old. Further, any school bus used as an activity or backup bus, at the time it is acquired by the owner and placed in service, shall be 15 or fewer model years old. Finally, any school bus used as an activity or backup bus that is older than 15 model years shall not be used more than 60 consecutive school days in a school year. The waiver shall remain in effect through the 2020-2021 school year.
- Bulletin 741, §903.A. – Exceptional Students. Waive the rule that prohibits exceptional students from being placed in educational settings that exceed the maximum pupil:teacher ratio or the three-year chronological age span. The waiver shall remain in effect through the 2020-2021 school year.
- Bulletin 741, §905.A. – Elementary – Grades Per Class. Waive the rule that prohibits elementary teachers from teaching more than two grades in a combined group except in band, music, and art. The waiver shall remain in effect through the 2020-2021 school year.

## **Rules Impacting Educators**

**(Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs)**

- Bulletin 996, §705 – Introduction. Waive the requirement that undergraduate candidates enrolled in teacher preparation programs that are being phased out must complete 270 clock hours of student teaching. The waiver shall be reserved for candidates enrolled in teacher preparation programs located in parishes most severely impacted by Hurricane Laura. These candidates will likely not be able to complete the required student teaching hours needed for completion of the program this fall due to school closures and widespread power outages in impacted parishes. The waiver shall remain in effect through December 31, 2020.

Finally, 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 approval of the appointment of the following individuals to the Accountability Commission:

- Previously, Ms. Kathy Noel served as a LEA Representative on the Accountability Commission. Ms. Noel has resigned from the Accountability Commission. Pursuant to prior BESE action regarding the membership of the Accountability Commission, the LEA representative is a seat approved by BESE based on the recommendation of the LDE. The LDE recommends that the BESE President appoint Ms. Serena White to serve as the LEA Representative on the Accountability Commission. Ms. White is a District Supervisor for Monroe City Schools.
- Previously, Mr. Otha Anders served as the School Board Member on the Accountability Commission. Pursuant to prior BESE action regarding the membership of the Accountability Commission, the School Board Member is a seat approved by BESE based on the recommendation of the BESE President. The LDE recommends that the BESE President appoint Mr. Chad Nugent to serve as the School Board Member on the Accountability Commission. Mr. Nugent is currently a school board member in Jefferson Parish.

If approved, the aforementioned waivers of BESE rules and Accountability Commission appointments will be subject to the ratification of the state board at its next regularly scheduled meeting and will be immediately communicated



# LOUISIANA DEPARTMENT OF EDUCATION

to impacted persons and entities as they attempt to respond to this unprecedented public health emergency. Thank you for your consideration of this request.

Sincerely,

Cade Brumley

Handwritten signature of Paul Cash Brumley in black ink.

State Superintendent of Education

Approved:

Handwritten signature of Sandy Holloway in blue ink.

\_\_\_\_\_  
Sandy Holloway, President  
Louisiana Board of Elementary and Secondary Education

Date 9/16/20\_\_\_\_\_