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EDUCATION

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C. Prior to action on an agenda item, the chairman shall read into the record the following:

1. any public comment received prior to the meeting;
2. any public comment received during the meeting via public comment card, or via "chat" function;
3. profanity and inappropriate language is prohibited and shall not be read into the record.

D. In accordance with R.S. 42:29(A)(5), all votes taken at a virtual meeting shall be by roll call vote.

E. To the extent possible, the Special School District Board of Directors shall follow all procedures that it follows for regular meetings.

F. After the conclusion of a virtual meeting, a recording of the meeting shall be made available to the public via the Special School District's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), 42:17.2.F(2), and 17:1945.1.

HISTORICAL NOTE: Promulgated by the Special School District Board of Directors, LR 51:820 (June 2025).

Chapter 9. Equal Employment

§901. Equal Employment Opportunity; Affirmative Action

A. In compliance with all applicable federal and state laws and regulations (including, but not limited to, title VII of the Civil Rights Act of 1964), BESE upholds the following policy: This is an equal opportunity agency and is dedicated to a policy of nondiscrimination in employment in all agencies and institutions under its direct supervision. Applicants and employees will not be discriminated against on the basis of race, color, creed, national origin, sex, religion, age, handicap, or any other non-merit factor in any aspect of employment such as recruitment, hiring, promotion, retention, tenure, discharge, layoff, compensation, leave, fringe benefits, training, or any other employment practice or benefit.

B. Should violations of any equal employment opportunity laws and regulations occur, appropriate disciplinary action will be taken by the appointing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:423 (March 2008), amended LR 38:3154 (December 2012), LR 39:3265 (December 2013).

§903. Civil Rights Compliance and Assurances

A. In compliance with all applicable federal and state laws and regulations (including, but not limited to, title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; §504 of the Rehabilitation Act of 1973), BESE upholds the following policy:

“This is an equal opportunity agency and is dedicated to a policy of nondiscrimination in all programs or activities under its direct jurisdiction including city, parish, or other local public school systems or other entities receiving state or federal financial assistance through the board. No one will be

discriminated against in any employment practice or in any educational program or activity on the basis of race, color, creed, national origin, sex, religion, age, handicap, or any other non-merit factor.”

B. The board will receive and oversee distribution of state and federal funds to city, parish, or other local public school systems or other entities qualifying for financial assistance for educational programs.

C. The board will enter into agreements with funding agencies as are necessary to ensure nondiscrimination and will submit such reports as may be required.

D. The LDE staff will conduct compliance activities as required by agencies providing funding to ensure compliance with their regulations.

E. All appropriate records shall be maintained and will be available for inspection by those agencies providing financial assistance.

F. All city, parish, or other local public school systems or other entities under the jurisdiction of the board which receive state or federal financial assistance through the board will sign an assurance document stating that they will comply with all applicable board policies, LDE regulations, and federal and state laws regarding civil rights compliance.

G. Should violations of any civil rights laws and/or regulations occur, appropriate action will be taken by the board in conjunction with the respective funding agency. Such actions may include voluntary compliance, remedial action, or withholding financial assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:424 (March 2008), amended LR 38:3154 (December 2012), LR 39:3265 (December 2013).

Chapter 11. Finance and Property

§1101. Projects and Facilities

A. Capital Projects

1. All requests for new capital construction or renovation projects submitted by board entities, including the recovery school district, shall comply with all applicable state laws, all applicable regulations issued by the Division of Administration, and all BESE policy.

2. All requests for any given fiscal year shall be prioritized by the LDE, and the LDE shall present the priority listing of projects to the board. The board shall approve all capital construction or renovation projects and the priority of the requests prior to submission to the executive and legislative branches of government or prior to implementation of a project, as applicable.

B. Use of Facilities

1. When facilities of board institutions and facilities under the jurisdiction of the RSD are used for activities other than those of the institution or district, organizations concerned shall be required to reimburse the school for all costs incurred in connection with the activity, and they shall

be further required to carry sufficient public liability insurance to protect all parties concerned, including the institutions or district.

2. Dining facilities at institutions or schools under the control of the board are not open to the general public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:424 (March 2008), amended LR 38:3154 (December 2012), LR 39:3266 (December 2013), LR 48:412 (March 2022).

§1103. Purchasing, Auditing, and Contracts for Professional/Consulting/Social Services

A. Purchasing. Entities under the jurisdiction of the board shall comply with all applicable federal and state laws, rules, regulations, and board policy which govern the purchase of goods and services.

B. Auditing

1. Entities under the jurisdiction of the board shall submit to an audit of their operations. This audit shall be conducted in accordance with provisions and timelines established by the Office of the Legislative Auditor.

2. Once the Office of the Legislative Auditor has issued a report on the operations of an entity under the board's jurisdiction, it shall be the responsibility of the LDE to provide the board with a complete analysis of the report and to recommend corrective actions to be taken, when necessary.

3. The board shall annually approve the audit plan for the operations of the Bureau of Internal Audit (BIA) within the Louisiana Department of Education.

C. Authority and Delegation for contracts for Professional/Consulting/Social Services

1. Entities under the jurisdiction of the board shall negotiate all contracts for professional/consulting/social services in accordance with all applicable federal and state laws and in accordance with all applicable federal and state rules and regulations and board policy.

2. The state superintendent may negotiate and approve contracts for professional/consulting/social services in the amount of \$50,000 or less and shall issue a report for receipt by the board on all contracts approved. Contracts in the amount of \$50,000 or less, approved via the authority of the state superintendent, cannot be amended under this same authority, such that the original contract and subsequent amendments result in an overall amount of greater than \$50,000, unless approved by the board, or the board president and chairman of finance via emergency authority.

3. The state superintendent shall recommend to the board for approval all contracts negotiated by the LDE and/or RSD in accordance with board policy for professional/consulting/social services over \$50,000. BESE approval and signature of the board president shall be obtained prior to execution and/or payment of contracts greater than \$50,000.

4. In the event of a suspension of any provisions of the Louisiana Procurement Code or of any provision of the corresponding rules and regulations, BESE approval shall be required as provided in Subparagraphs 2 and 3 of this subsection, unless those provisions are also suspended.

a. The request shall be forwarded to the BESE executive director to include the following:

- i. the reason for the request, the name of the contractor/recipient, the amount of the contract/allocation;
- ii. the contract/allocation period; and
- iii. a description of the services to be provided.

b. The emergency approval shall be communicated, to the extent possible, electronically, including all of the aforementioned information, to all board members within 24 hours of approval, as well as presented at its next meeting.

c. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- i. the functioning of Louisiana government;
- ii. the preservation or protection of property; or
- iii. the health or safety of any person.

d. The state superintendent shall require that a record be created of all emergency declarations by making a written determination stating the basis for an emergency procurement, in addition to BESE emergency approval, as well as the selection of a particular contractor/recipient. In addition to the written determination describing the basis for the emergency procurement and issuance, the record shall also contain:

- i. each contractor's/recipient's name;
- ii. the amount and type of each contract/recipient; and
- iii. a listing of services procured under each contract or allocated to each recipient; and

iv. the written memorandum from the state superintendent of education or his designee setting forth the request for BESE approval, the reason for the request, the name of the contractor, the amount of the contract, the contract period, and a description of the services to be provided.

5. In the event that there is an emergency, as defined in applicable law and BESE policy below and prior to execution, issuance, or payment, the chairman of the Board Finance Committee and the board president may jointly approve, upon signature, a contract, contract amendment, or allocation, upon the receipt of a written memorandum from the state

superintendent of education or his/her designee, setting forth the request for approval.

a. The request shall be forwarded to the BESE Executive Director to include the following:

- i. the reason for the request, the name of the contractor/recipient, the amount of the contract/allocation;
- ii. the contract/allocation period; and
- iii. a description of the services to be provided.

b. The emergency approval shall be communicated, to the extent possible, electronically, including all of the aforementioned information, to all board members within 24 hours of approval, as well as presented at its next meeting.

c. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- i. the functioning of Louisiana government;
- ii. the preservation or protection of property; or
- iii. the health or safety of any person.

d. The state superintendent shall require that a record be created of all emergency declarations by making a written determination stating the basis for an emergency procurement, in addition to BESE emergency approval, as well as the selection of a particular contractor/recipient. In addition to the written determination describing the basis for the emergency procurement and issuance, the record shall also contain:

- i. each contractor's/recipient's name;
- ii. the amount and type of each contract/recipient; and
- iii. a listing of services procured under each contract or allocated to each recipient; and
- iv. the written memorandum from the state superintendent of education or his designee setting forth the request for BESE approval, the reason for the request, the name of the contractor, the amount of the contract, the contract period, and a description of the services to be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:424 (March 2008), amended LR 38:3155 (December 2012), LR 39:3266 (December 2013), LR 48:2559 (October 2022), LR 49:242 (February 2023).

§1105. Budgets

A. General Policies

1. The LDE, including the special school district and the recovery school district, and all entities under the jurisdiction of the board shall submit all budget requests for all funds (state, federal, self-generated, etc.) to the board for review and approval. The entities shall be responsible for complying with all state laws and regulations regarding budget submission to the executive and legislative branches of government.

2. In approving budgets for the LDE and entities under the board's jurisdiction, the board shall be guided by all state plans adopted for the purpose of administering federal and state funded programs.

B. Budget Submission. The LDE, including the recovery school district, and entities under the jurisdiction of the board shall submit their budgets to the board in a timely manner for approval prior to submission to the Division of Administration and legislative offices.

C. Budget Forms. The LDE, including the recovery school district, and entities under the jurisdiction of the board shall submit their budgets on the forms prescribed by the Division of Administration.

D. Amendments and Revisions. Any budget requiring approval by the board can only be amended in accordance with state law and shall be reported to the board.

E. Interim Emergency Board. Prior to the submission of a request for funding from the Interim Emergency Board of the legislature, the LDE, including the special school district and the recovery school district, and entities under the jurisdiction of the board shall complete requests on forms prescribed by the Interim Emergency Board and shall receive approval for submission by the board. Submissions to the Interim Emergency Board shall be in compliance with all rules promulgated by that board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:425 (March 2008), amended LR 38:3155 (December 2012), LR 39:3266 (December 2013), LR 48:412 (March 2022).

§1107. Minimum Foundation Program

A. MFP: General Provisions

1. Board Adoption

a. The state superintendent of education shall prepare and recommend to the board for adoption a minimum foundation formula for the equitable allocation of funds to local school systems for the operation of their educational programs. In preparing this recommendation, the state superintendent shall comply with all appropriate state laws and regulations regarding elementary and secondary education.

b. The board shall adopt a minimum foundation formula for the equitable allocation of funds to local school systems. Once adopted, the board shall transmit the formula to the Joint Legislative Committee on the Budget and all other

appropriate entities and offices of the executive and legislative branches of government.

2. Local Responsibility

a. It shall be the responsibility of city, parish, or other local school systems; recovery school district schools; and LSU and Southern Lab schools to submit to the LDE in a timely manner all necessary and required information for the computation of an individual allocation from the minimum foundation formula. This information shall be submitted to the LDE in the form required by the LDE. It shall also be the responsibility of all city, parish, or other local school systems; recovery school district schools; and LSU and Southern Lab schools to follow all circulars issued by the LDE providing instructions for the preparation of the required data and other instructions regarding the computation of an allotment from the formula.

B. MFP Payments

1. City, parish, or other local school systems; recovery school district schools; and LSU and Southern Lab schools shall receive an allocation from the annual Minimum Foundation Program in 12 payments. These payments shall be incorporated into monthly amounts received from the state for implementation of the Minimum Foundation Program.

C. MFP—Student Membership Definition

1. Definition. For state reporting for public education for the purpose of establishing the base student count for state funding, city, parish, or other local school systems; approved charter schools; recovery school district schools; LSU and Southern Lab schools; Office of Juvenile Justice schools; New Orleans Center for Creative Arts (NOCCA); and Louisiana School for Math, Science, and the Arts (LSMSA) shall adhere to the following:

a. All students included for membership in a school shall be identified with the following minimum required identification elements:

- i. state identification number;
- ii. full legal name;
- iii. date of birth;
- iv. sex;
- v. race;
- vi. district and school code;
- vii. entry date; and
- viii. grade placement.

b. For establishing the base student membership count for state funding, the following guidelines will be adhered to:

i. no student will be counted more than one time. Students attending more than one school will be counted in membership only one time;

ii. all students, including special education students who meet the following criteria will be included in the base student membership count:

(a). have registered or pre-registered on or before student count dates designated in the current adopted MFP resolution (If student count date(s) falls on a Saturday, report membership on the previous Friday. If student count date(s) falls on a Sunday, report membership on the following Monday.);

(b). are actively attending school (All current state laws and BESE policies concerning attendance should be carefully followed. Appropriate documentation [either written or computer documents] such as dates of absences, letters to parents, notification to child welfare and attendance officers should be placed in individual permanent records for any students who may have absences which raise questions about the student's active attendance.);

(c). and/or have not officially exited from school (Students are considered to have officially exited if a notification of transfer has been provided by the student's parent/legal guardian or received from another school.);

iii. students who are in BESE-approved alternative programs (schools) in city, parish, or other local school systems; approved charter schools; recovery school district schools; LSU and Southern Lab schools; or Office of Juvenile Justice schools will be included in the base student membership count.

iv. students who reside in Louisiana, attend school in another state, and are supported by Louisiana funding will be included in the base student membership count.

v. all special education preschool (ages 3-5) students will be included in the base student membership count.

vi. All special education infant (ages birth-2) students for whom one or more of the sixteen identified services are provided, shall be included in the base student membership count.

vii. Regular pre-kindergarten (four-year-old program) students will not be included in the base student membership count.

viii. Private school students receiving special education services through any public school system or school will NOT be included in the base student membership count.

ix. Students will be included in the base student membership count until the chronological age of 21 years. A student whose twenty-second birthday occurs during the course of the regular school year, will be counted in the base student membership count for that school year.

x. Students receiving educational services at any elementary and secondary school operated by the Office of Juvenile Justice (OJJ) in a secure care facility, considered to be a public elementary or secondary school, will be included in the base membership count of OJJ. The base membership