

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State
Accountability System—General Provisions
(LAC28:XI.103)

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 has amended LAC28:XI. *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions codify the Accountability Council and provide for the membership structure and operating procedures of the council. This Declaration of Emergency, effective April 13, 2022, is for a period of 180 days from adoption, or until finally adopted as Rule.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 1. General Provisions

§103. Accountability Council (formerly Accountability Commission)

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Accountability Advisory Council (Formerly the Accountability Commission) establishes:

1. authority-per BESE policy;
2. referrals and responsibilities:
 - a. advise the board regarding accountability issues and the state Every Student Succeeds Act (ESSA) Plan;
 - b. consider all matters referred by the board or the LDE; and
 - c. function as follows:
 - i. serve as the state committee of practitioners to conform to requirements in Title I of the Elementary and Secondary Education Act (ESEA) and to perform such duties of the committee to review, before publication, proposed or final state rule or regulation pursuant to Title 1;
 - ii. review rules and regulations that govern federal programs in Louisiana, noting that members shall be advised of substantial revisions in the federal programs supported through Louisiana's ESEA waiver; and

- iii. advise the LDE on policy development of the state, district, and school accountability system.

- d. The majority of the Accountability Advisory Council (AAC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows.

- i. BESE appointments:
 - (a). educator, nominated by BESE president;
 - (b). BESE member, nominated by BESE President;
 - (c). LEA administrator, appointed by BESE from list provided by state superintendent of education;
 - (d). nonpublic school representative, nominated by BESE president;
 - (e). local educational agency representative, appointed by BESE from list provided by state superintendent of education;
 - (f). parent, nominated by BESE president;
 - (g). postsecondary education representative, appointed by BESE from list provided by state superintendent of education;
 - (h). school board member, nominated by BESE president;
 - (i). community representative, nominated by BESE president;
 - (j). community representative, nominated by BESE president;

- ii. state superintendent of education appointments:

- (a). educator;
 - (b). LEA Administrator;
 - (c). charter school representative;
 - (d). district superintendent;
 - (e). pupil appraisal representative;
 - (f). principal representative;
 - iii. association nominations
 - (a). Associated Professional Educators of Louisiana representative, nominated by association leadership.
 - (b). Louisiana Association of Educators representative, nominated by association leadership.
 - (c). Louisiana Federation of Teachers representative, nominated by association leadership.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of the recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority and ratified by the board. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may serve as an interim member until a replacement is recommended or approved by the appointing authority and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term.

3. Expenses. Members shall be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, if the appointing authority does not object, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled.

6. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present. Proxies cannot be included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the executive director one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Chair

1. The AAC shall have one Chairperson appointed by the state superintendent of education and ratified by the board.

2. The appointed Chair shall preside at all meetings of the ACC, shall perform such duties as may be required by the council, and shall be a nonvoting member.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the executive director, LDE, or a designee of either.

3. Agendas of regularly scheduled council meetings shall be distributed to council members by the board staff at least seven calendar days in advance of a meeting. All council meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation. Meeting cancellation shall be posted on the BESE website.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee, after consideration of the recommendations of the advisory council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

James Garvey
President

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