

Title 28
EDUCATION

Part XLIII. Bulletin 1706—~~Regulations for Implementation of the Children with Exceptionalities Act~~

Subpart 1. Students with Disabilities

Chapter 1. State Eligibility

Subchapter A. ~~FAPE Requirements~~ Free Appropriate Public Education (FAPE)

§101. ~~Free Appropriate Public Education (FAPE)~~ Authority and Scope

A. ...

1. ~~In accordance with R.S. 17:1941 et seq., The Louisiana State Board of Elementary and Secondary Education is: (the state board) shall be responsible for the assurance of a free appropriate public education to all students residing in the state; and shall be directly responsible for the provision of a free appropriate public education to students who are within the jurisdiction of the Special School District, the Recovery School District, or in a BESE Special School (Louisiana School for Visually Impaired, Louisiana School for the Deaf, or Louisiana Special Education Center).~~

a. responsible for the assurance of a free appropriate public education to all students residing in the state; and

b. directly responsible for the provision of a free appropriate public education to students within the jurisdiction of the Special School District, the Recovery School District, or in a BESE special school (the Louisiana School for the Visually Impaired or the Louisiana School for the Deaf).

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2036 (October 2008), amended LR 46:

Subchapter J. State Complaint Procedures

§153. **Formal Written Complaint Procedures**

A. Time Limit; Minimum Procedures. ~~Upon~~ The time limits in this Section commence after LDE receives receipt of a signed written complaint filed under in accordance with §152 of this Chapter. ~~The LDE shall will~~ refer the complaint to the LEA superintendent, special education director/supervisor, or ERP representative in accordance with §151 of this Chapter.

1. The LDE ~~shall will~~:

a. not commence investigation of a formal written complaint until after the expiration of the ~~informal~~ 15-day early resolution period described in §151. ~~C.3 of this Chapter~~;

A.1.b. - K.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2047 (October 2008), amended LR 36:1500 (July 2010), LR 46:

Chapter 4. ~~Special School District (SSD) and BESE Special Schools (BSS)~~

Subchapter B. BESE Special Schools

§450. ~~BESE Special Schools (BSS)~~

A. ~~BESE is the governing authority of the BESE Special Schools (BSS).~~ In accordance with R.S. 17:1943, The State Superintendent shall will supervise and oversee the administration of the BESE Special Schools. The BESE Special Schools are Louisiana School for the Deaf (LSD); and Louisiana School for the Visually Impaired (LSVI), and Louisiana Special Education Center (LSEC). These, and are State-operated schools providing educational programs and services for residential and/or day students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2066 (October 2008), amended LR 46:

Chapter 5. Procedural Safeguards

Subchapter A. Due Process Procedures for Parents and Students

§508. **Due Process Hearing Request**

A. General

1. A party, or the attorney representing a party, files a request for due process hearing by sending to ~~the other party~~ a written request for a due process hearing to the LDE. ~~(which shall remain confidential).~~ Such request will remain confidential).

2. The party filing a request for a due process hearing ~~shall~~ must forward a copy of the request for due process hearing to the ~~LDE~~ other party.

3. The time limits in this Section commence after LDE receives the request for a due process hearing. When the LDE receives a written request for a due process hearing, the LDE will provide a copy of the request to the other party. The date ~~on which~~ the LDE delivers or receives confirmation ~~confirms~~ that the other party has received the request will be the presumptive date ~~of verifying~~ receipt.

4. Within two business days of receipt of a written request, the LDE ~~shall~~ will transmit the request for due process hearing to the Division of Administrative Law (DAL), who ~~shall~~ will docket the request and assign a hearing officer.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2071 (October 2008), amended LR 38:2367 (September 2012), LR 46:

Chapter 9. General

Subchapter B. Definitions used in these Regulations

§904. Abbreviations/Acronyms used in these Regulations

ALJ—administrative law judge.

* * *

LSD—Louisiana School for the Deaf.

~~*LSEC*—Louisiana Special Education Center.~~

LSVI—Louisiana School for the Visually Impaired.

* * *

SSD—special school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2089 (October 2008), amended LR 38:2368 (September 2012), LR 46:

Subpart 2. Regulations for Gifted/Talented Students

Editor's Note: This Subpart has been realigned and amended to coincide with recent Subpart 1 changes and to align with *Louisiana Revised Statute* 17:1941 et seq. The Rule was published in the September 2010 *Louisiana Register*, pages 2011-2029.

Chapter 11. State Eligibility

§1101. Free Appropriate Public Education

A. ...

B. The state board ~~shall~~ will be directly responsible for the provision of a free appropriate public education (FAPE) to gifted and talented students, ages ~~three-3~~ through 21 years, who are within the jurisdiction of either the Special School District or in ~~the state board a BESE special schools~~ (Louisiana School for the Visually Impaired; or Louisiana School for the Deaf; ~~or Louisiana Special Education Center~~) unless the student exits with a high school diploma.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:1576 (August 2000), amended LR 36:2011 (September 2010), LR 46:

§1153. Formal Written Complaint Procedures

A. Time Limit; Minimum Procedures. The time limits in this Section begin after the LDE receives receipt of a signed written complaint filed under §1152. The LDE shall will refer the complaint to the LEA superintendent, special education director/supervisor, or ERP representative in accordance with §1151.

1. The LDE ~~shall~~ will:

a. not commence investigation of a formal written complaint until after the expiration of the ~~informal~~ 15-day early resolution period described in §1151-~~C.3~~; but

A.1.b. - K.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2014 (September 2010), amended LR 46:

Chapter 15 Procedural Safeguards

§1508. Due Process Hearing Request

A. General

1. A party, or the attorney representing a party, files a request for due process hearing by sending ~~to the other party~~ a written request for due process hearing to the LDE (~~which shall~~ Such request will remain confidential).

2. The party filing a request for due process hearing ~~shall~~ will forward a copy of the request for due process hearing to the ~~LDE~~ other party.

3. The time limits in this Section begin after the LDE receives a written request for a due process hearing.

a. The LDE will provide a copy of the request to the other party.

b. The date the LDE delivers or receives confirmation that the other party has received the request will be the presumptive date verifying receipt.

4. Within three business days of receipt of a written request, the LDE will transmit the request for due process hearing to the Division of Administrative Law (DAL), who will docket the request and assign a hearing officer.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2021 (September 2010), amended LR 46:

§1511. Impartial Due Process Hearing and Hearing Officer Appointments

A. ...

B. Agency Responsible for Conducting the Due Process Hearing. The due process hearing described in Paragraph A of this Section ~~shall~~ will be conducted by the LDE in accordance with the law and LDE regulations.

C. Impartial Hearing Officer. The DAL ~~LDE shall~~ will designate ~~appoint~~ hearing officers, who:

C.1. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2023 (September 2010), amended LR 46: