

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 288** SLS 24RS 168
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.: **w/ PROP SEN COMM AMD**
 Sub. Bill For.: **REVISED**

Date: May 1, 2024	11:22 AM	Author: MCMATH
Dept./Agy.: EDUCATION		
Subject: High-dosage tutoring for students in grades K-5		Analyst: Julie Silva

SCHOOLS EG INCREASE GF EX See Note Page 1 of 2
 Provides relative to required high-dosage tutoring for certain students. (8/1/24)

Proposed legislation amends existing law to require expanded academic supports be offered to eligible students in Kindergarten through fifth grade who either performed below grade level on a literacy or numeracy screener in the current academic year or failed to achieve mastery on statewide assessments in reading and math in the previous academic year. Redefines accelerated instruction as high-dosage tutoring and provides for its requirements. Permits the use of state funds, removing the previous limitation that only federal funds provided for educational relief due to the COVID-19 pandemic could be used. If funding is not available, provides that a local school board is not obligated to expend local funds to continue the provision of expanded academic supports. Instructs the Louisiana Department of Education (LDOE) that high-dosage tutors be able to provide evidence of their impact on student outcomes, disaggregated by specific student groups and demographics, or by having evidence of positive and statistically significant gains in student learning outcomes. Requires LDOE to provide a method by which local boards can submit data to LDOE for publishing on the department website.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	SEE BELOW	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed legislation will result in an increase in governmental expenditures in order to provide expanded academic supports to qualified students. The bill amends current law to grant eligibility to students in kindergarten through fifth grade who either performed below grade level on a literacy or numeracy screener in the current academic year (kindergarten) or failed to achieve mastery on statewide assessments in English Language Arts (ELA) or Math in the previous academic year (first through fifth). Based on data provided by the Louisiana Department of Education (LDOE), **316,374 individual scores were below benchmarks in both ELA and Math assessments** completed in the 2022-23 school year. Note that this total may double count students who fell below benchmarks in both subject areas, but this analysis assumes such a student would be eligible for the expanded academic supports outlined in proposed legislation in both ELA and Math, and estimates costs accordingly. Expanded academic supports continue to include either placement in the classroom of a highly effective teacher or accelerated instruction, redefined in proposed legislation as high-dosage tutoring. **In FY 25, expenditures for the provision of these services is estimated to total \$30 M**, based on the **316,374** scores referenced above. Details on how this estimate was developed are included on page two of this note.

The legislation additionally removes the prohibition on the use of state funds when local education agencies (LEAs) develop their annual educational plans and budgets for the provision of expanded academic supports. In prior fiscal years, LEAs and LDOE were able to provide the services required in R.S. 17:100.13 using federal COVID-related Elementary and Secondary School Emergency Relief (ESSER) funds; however, these funds are set to expire, and must be obligated by September 2024. If obligated, funds may remain available for expenditure through December 2024.

The 2024-25 Minimum Foundation Program (MFP) formula, approved by the Board of Elementary and Secondary Education on 3/06/24, includes a \$30 M block grant, comprised of SGF, to provide funding for literacy and math tutoring, focusing on students with the most need for improved outcomes in kindergarten through fifth grade. If the formula, currently under consideration by the legislature as HCR 21, is approved and funded, the \$30 M block grant can be used to cover costs associated with expanded academic supports, specifically high-dosage tutoring services. LDOE reports allocations to local districts will be made based on student performance on statewide assessments. If the MFP formula effective for the 2024-25 school year does not include this funding, proposed legislation is anticipated to result in additional (outside of the formula) SGF expenditures. **In the event available state and federal funds are not sufficient to cover the actual cost to provide expanded academic support, local districts may use local funds for this purpose; however, the proposed legislation does not obligate them to do so.**

CONTINUED ON PAGE TWO

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

Kindergarten through fifth grade students scoring "Below" and "Well Below" proficient on the literacy screener, or "Below" Mastery on the LEAP 2025 ELA and math assessments should receive prioritized placement in a class taught by a teacher labeled as "highly effective" pursuant to the state's teacher evaluation system. According to data from LDOE, 44% of kindergarten through fifth grade teachers are considered "highly effective." It is unknown how many highly effective teachers are available within each subject area. Further, the number of highly effective teachers varies by school and district. If a highly effective teacher is not available in the school, then the student should receive high-dosage tutoring. This tutoring is to be provided for a minimum of 30 hours over a 10-week period, though it can be spread across an entire 40-week school year. There are several approved high-dosage tutoring options, designed to fit a variety of school and student needs. Tutoring can be provided by a classroom teacher during the school day in a small group session with a teacher to student ratio not higher than 1:4, by a staff member employed full or part-time to provide the tutoring, by a contracted external tutoring provider either in person or virtually, or through an AI computer program that is designed to provide intensive tutoring support. LDOE estimates that in order to ensure all kindergarten through fifth grade students who received the 316,374 "Below" Mastery scores on statewide assessments are provided intensive tutoring instruction in one or both subject areas as outlined in proposed legislation, expenditures are anticipated to reach \$28.2 M in FY 25. Due to the many unknown variables involved in the program, the LFO is unable to corroborate this cost; however, LDOE provided the below simulation to reflect how the department reached its estimate.

To the extent LEAs have the staff available to place students with highly effective teachers, costs are expected to be mitigated. To that end, the data assumes that 44% of the scores (students) at each proficiency level will be able to move into the classroom of a highly effective teacher. The remaining 56% would be expected to receive a version of high-dosage tutoring for either one or both subject areas. The estimate assumes high-dosage tutoring for students with proficiency levels of "Well Below Benchmark" and "Unsatisfactory" or "Approaching Basic" will cost \$250 per student for the minimum 30 hours of instruction required in proposed legislation. This is based on a cost of \$33 per hour for a tutor to provide services to a group of four students. This brings the cost per student, per hour to around \$8.33 (\$8.33 x 30 hours = \$250). Students with proficiency levels of "Below Benchmark" and "Basic" are expected to be provided the less expensive high-dosage tutoring options available, specifically online programs like Amira for ELA and Zearn for Math, which LDOE estimates will cost \$15 per student. Zearn Math accounts for an individual school cost of \$2,500 per year, which is currently paid for by LDOE and provided to schools at no cost to them. Amira costs around \$20 per student. Note that these are estimates, and costs per student will vary depending on the high-dosage tutoring option selected, and on variables within that selection (other online tutoring platforms, for example, may cost more or less). Additionally, future year costs are unable to be projected with accuracy as the intent of high-dosage tutoring is to assist students in reaching grade level. To the extent student proficiency exam scores improve as a result of the expanded academic supports proposed, future year expenditures are expected to lower proportionately.

Table with 6 columns: Grade Level, Proficiency Level, Students Taught by HE Teacher, Students Who Need tutoring, Tutoring Rate, Total Tutoring Costs. Includes a Totals row.

If available state and federal funding is not sufficient to cover all costs for an LEA to ensure compliance with the requirements of proposed legislation, a local school board is not obligated to provide funding to continue the provision of expanded academic supports.

Notes:

The requirements that high-quality materials be used in high-dosage tutoring is not expected to increase expenditures. Materials are designated as high-quality by LDOE using its existing instructional materials review process. Additionally, the department provides free resources on its website and reports there are other open access materials available for use that meet the definition of "high-quality".

LDOE is directed to identify and approve contracted high-dosage tutoring providers that must meet a series of specific requirements, including the ability to determine the impact of tutoring on students. This can be done either by adhering to the requirements explicitly stated in proposed legislation OR by hiring a third-party researcher to conduct a randomized controlled trial (RCT) or a quasi-experimental design (QED) to provide causal impacts related to the provision of high-dosage tutoring. This is also not anticipated to result in additional governmental expenditures. LDOE assumes non-contracted (existing staff) providers will utilize materials approved by LDOE and certified as meeting the requirements of proposed legislation. Any costs incurred by a contracted provider who instead opts to use a RCT or QED to demonstrate the impacts of tutoring would be their responsibility.

The fiscal note for HB 244, currently under consideration by the legislature, includes the cost of an additional authorized T.O. position (\$138,323 for one Education Program Consultant 4) to work on the Steve Carter Education Program (a separate, distinct tutoring program overseen by LDOE). The department reports it intends for this staff person to also assume responsibility for any additional workload associated with the training and reporting requirements assigned to the department in relation to high-dosage tutoring. The LFO assumes that if HB 244 is not enacted, the costs associated with this position would then be applicable to this legislation.

Senate Dual Referral Rules
[X] 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
[] 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
[X] 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
[] 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Signature of Patrice Thomas
Patrice Thomas
Deputy Fiscal Officer