

2015 Regular Session

HOUSE BILL NO. 672

BY REPRESENTATIVES HARRIS, ARMES, BROWN, HENRY BURNS, GEYMANN, HARRISON, HAVARD, HENRY, HENSGENS, HODGES, HOLLIS, IVEY, MACK, PEARSON, POPE, RICHARD, SCHRODER, SEABAUGH, AND WHITNEY AND SENATORS CROWE, KOSTELKA, AND JOHN SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/STANDARDS: Provides relative to the development, review, and adoption of state content standards and related assessments for public school students

1 AN ACT

2 To amend and reenact R.S. 17:24.4(A)(4), (E), and (F)(1)(c), (d), and (f) and to enact R.S.
3 17:24.4(A)(5), (6), and (7), (F)(1)(g), and (K), relative to state content standards and
4 related assessments; to provide for the development, review, and adoption of state
5 content standards for required subjects by the State Board of Elementary and
6 Secondary Education; to provide a process for standards development and review;
7 to provide for participation by Louisiana citizens; to provide for public hearings by
8 public school governing authorities and public comment relative to the standards; to
9 provide for legislative approval of the standards; to provide for the promulgation of
10 rules for implementation of the standards and assessments; to provide relative to the
11 standards and assessments to be used in certain school years; to remove requirements
12 that standards-based assessments be based on rigorous standards comparable at the
13 national level; to provide for definitions; to provide an effective date; and to provide
14 for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 17:24.4(A)(4), (E), and (F)(1)(c), (d), and (f) are hereby amended
17 and reenacted and R.S. 17:24.4(A)(5), (6), and (7), (F)(1)(g), and (K) are hereby enacted to
18 read as follows:

1 §24.4. Louisiana Competency-Based Education Program; statewide standards for
2 required subjects; Louisiana Educational Assessment Program; parish or city
3 school board comprehensive pupil progression plans; waivers

4 A. As used in this Section, the following words, terms, and phrases shall
5 have the meaning ascribed to them in this Subsection, except when the context
6 clearly indicates a different meaning:

7 * * *

8 (4) "The ~~statewide~~ state content standards for required subjects" are
9 statements that define what a student should know or be able to accomplish at the
10 end of a specific time period or grade level or at the completion of a course and are
11 fully developed and revised in Louisiana through a clearly defined process as
12 provided in Subsection E of this Section that is open, transparent, and accountable
13 to the citizens of this state. ~~Content~~ The state content standards shall represent the
14 knowledge and skills needed for students to be successful and productive citizens of
15 a self-governing republic of free people with the skills and understanding necessary
16 to compete in a free market economy. The standards shall reflect direct application
17 to subject matter proficiency and shall be knowledge-based, academic, clearly
18 worded, grade level specific, and developmentally appropriate. The purpose of the
19 standards is to develop self-directed, lifelong learners at the elementary and
20 secondary levels. ~~successfully transition to postsecondary education and the~~
21 ~~workplace, as determined by content experts, elementary and secondary educators~~
22 ~~and school leaders, postsecondary education leaders, and business and industry~~
23 ~~leaders.~~

24 (5) "Computer adaptive technology" means assessment technology that
25 adapts the level of difficulty of the assessment based on the student's prior answers.

26 (6) "Curriculum" or "curricula" means the planned sequence of instruction
27 used to teach content standards that include but are not limited to pedagogical
28 techniques and materials used for instruction.

1 (7) "Required subjects" means English language arts, mathematics, science,
2 and social studies.

3 * * *

4 E.(1) ~~The state Department of Education, with the approval of the State~~
5 ~~Board of Elementary and Secondary Education, referred to in this Subsection as "the~~
6 ~~board", shall develop, review, and adopt state and establish statewide content~~
7 ~~standards for required subjects to be taught in the public elementary and secondary~~
8 ~~schools of this state as provided in this Subsection. The statewide content standards~~
9 ~~for required subjects shall be implemented by the state Department of Education as~~
10 ~~approved by the State Board of Elementary and Secondary Education, with~~
11 ~~recommendations prior to approval and advice from the educational personnel in the~~
12 ~~public schools and colleges and universities of this state.~~

13 (2) State content standards for English language arts and mathematics shall
14 be developed as follows:

15 (a) The board, in exercising its authority for the development, review, and
16 adoption of state content standards, shall receive applications beginning January 1,
17 2016, through February 15, 2016, from Louisiana citizens interested in assisting the
18 board in standards development and review. Each application received shall be
19 posted on the state Department of Education's website not later than forty-eight hours
20 after it is received. The board shall review each application and select the citizens
21 in a public meeting to be held not later than March 15, 2016. The names and
22 qualifications of the citizens selected shall be posted on the state Department of
23 Education's website not later than forty-eight hours after the selections are made.

24 (b) The citizens selected shall be geographically representative of each of the
25 eight districts of the board and shall have at least one of the following qualifications:

26 (i) Is or was employed as a certified teacher in a Louisiana school for at least
27 ten years and has relevant subject matter expertise.

28 (ii) Is or was employed as a professor in a public postsecondary education
29 institution for at least ten years and has relevant subject matter expertise.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (iii) Is or was employed as a curriculum specialist in a Louisiana public
2 school for at least ten years and has relevant subject matter expertise.

3 (c) In the development and review of the state content standards,
4 consideration shall be given but not be limited to both of the following:

5 (i) The grade level expectations used in Louisiana public schools in the
6 2010-2011 school year.

7 (ii) The standards of high-performing states including but not limited to the
8 2001 Massachusetts standards for English language arts and the 2005 California
9 standards for mathematics.

10 (d) Not later than April 1, 2016, the board shall hold the first meeting for the
11 development of the draft content standards assisted by the citizens selected pursuant
12 to this Paragraph.

13 (e) Not later than July 1, 2016, the board shall develop a draft of the
14 standards. At such time, the state Department of Education shall post the draft on
15 its website, provide a copy of the draft to the governing authority of each public
16 elementary and secondary school, and provide written notification of such actions
17 to each member of the legislature.

18 (f) Not later than October 1, 2016, the governing authority of each public
19 elementary and secondary school shall hold at least one public hearing for the
20 purpose of reviewing the draft content standards and receiving public comment. Not
21 later than November 1, 2016, each governing authority shall submit a written report
22 to the board of its review and recommendations on such draft standards regarding
23 content, grade and developmental appropriateness, logical progression, and the costs
24 of implementation. Such report shall include written and transcribed public
25 comment. The state Department of Education shall post each report on its website
26 by not later than forty-eight hours after receipt of the report.

27 (g) The state Department of Education shall maintain an online forum on its
28 the website for the purpose of soliciting public comment on the draft content
29 standards. Public comments submitted through the online forum shall be accepted

1 until November 1, 2016, shall be public records, and shall be maintained for at least
2 twelve years in accordance with the Public Records Law.

3 (h) Not later than January 1, 2017, the state Department of Education shall
4 post the final draft state content standards on its website.

5 (i) The board shall submit the final draft state content standards and all
6 written and transcribed verbal testimony to the legislature not less than thirty days
7 prior to the 2017 Regular Session of the Legislature for approval. Legislative
8 approval of the standards shall be by means of adoption of a concurrent resolution
9 by a favorable vote of at least a majority of the elected members of each house. Such
10 concurrent resolution shall contain verbatim, the standards submitted by the board
11 pursuant to this Paragraph. If approved by the legislature, the board shall promulgate
12 rules for the state content standards pursuant to the Administrative Procedure Act not
13 later than August 31, 2017, and the standards shall be implemented beginning with
14 the 2018-2019 school year. If the legislature fails to approve the standards it shall
15 provide written reasons and the standards used in the 2017-2018 school year shall
16 be used until such time as the legislature approves new standards.

17 (3) For the 2015-2016, 2016-2017, and 2017-2018 school years, the state
18 content standards shall be the standards used in the 2010-2011 school year. The
19 board shall promulgate rules for the implementation of these standards pursuant to
20 the Administrative Procedures Act not later than July 1, 2015.

21 (4) Beginning July 1, 2020, and beginning July first every three years
22 thereafter, the board shall review the state content standards for required subjects
23 using the process provided for in Paragraph (2) of this Subsection. The board shall
24 submit its recommended revisions to the legislature not less than thirty days prior to
25 the next Regular Session of the Legislature for approval. If the legislature fails to
26 approve the revised state content standards by June first of that year, the standards
27 used in the school year immediately prior shall be used. Until the 2020-2021 school
28 year, the state content standards for science and social studies shall be the standards
29 used in the 2010-2011 school year.

1 (5) All meetings for the development and review of state content standards
2 shall be subject to the Open Meetings Law.

3 ~~(2)(6)(a)~~ The governing authority of each public elementary and secondary
4 school may develop and implement curriculum, content, and methodology for
5 required subjects for the schools under its jurisdiction in lieu of the curriculum,
6 content, and methodology recommended by the state Department of Education or the
7 State Board of Elementary or Secondary Education.

8 (b) Any list of recommended or required textbook and curriculum resources
9 published by the board, the state Department of Education, or any other entity on
10 behalf of the state shall include at a minimum, three curricula. If the list is
11 subdivided, each division shall have, at a minimum, three curricula.

12 F.(1)

13 * * *

14 (c) Standards-based assessments in English language arts, mathematics,
15 science, and social studies shall be based on state content standards and rigorous
16 ~~student achievement standards set with reference to test scores of students of the~~
17 ~~same grade level nationally~~ shall be implemented by the State Board of Elementary
18 and Secondary Education pursuant to rules promulgated by the board in accordance
19 with the Administrative Procedure Act. Such tests shall be administered, at a
20 minimum, in grades three through eleven.

21 ~~(d) Beginning with the 2014-2015 school year, standards-based assessments~~
22 ~~implemented by the State Board of Elementary and Secondary Education in English~~
23 ~~language arts and mathematics shall be based on nationally recognized content~~
24 ~~standards that represent the knowledge and skills needed for students to successfully~~
25 ~~transition to postsecondary education and the workplace. Rigorous student~~
26 ~~achievement standards shall be set with reference to test scores of the same grade~~
27 ~~levels nationally.~~ For the 2015-2016, 2016-2017, and 2017-2018 school years,
28 standards-based assessments implemented by the State Board of Elementary and
29 Secondary Education shall be assessments developed to align to the standards used

1 in the 2010-2011 school year. If the legislature approves the state content standards
 2 as provided in Paragraph (E)(2) of this Section for implementation beginning in the
 3 2018-2019 school year, the board, by not later than August 31, 2017, shall develop,
 4 in accordance with the Louisiana Procurement Code, standards-based assessments
 5 and assessment guides aligned to those standards for use beginning in the 2018-2019
 6 school year. If the legislature fails to approve the standards, the assessments used
 7 in the 2017-2018 school year shall be used until such time as the legislature approves
 8 new standards and the new assessments are developed.

9 * * *

10 (f) ~~The State Board of Elementary and Secondary Education~~ board, upon
 11 initial implementation of the ~~tests~~ assessments provided for in this Subsection, shall
 12 establish by rule adopted in accordance with the Administrative Procedure Act the
 13 adequate ~~test~~ score to determine successful performance of the student on each ~~test~~
 14 assessment provided for by this Subsection.

15 (g) The assessments administered to students pursuant to this Subsection
 16 shall not be administered using any computer adaptive technology and shall not
 17 include the compilation, collection, or assessment of any "biometric information" as
 18 defined in R.S. 17:100.8 or student information as specified in R.S. 17:3914(C)(1)
 19 including but not limited to any type of non-cognitive, emotional, or psychological
 20 characteristics, attributes, or skills, psychological mindsets, learning strategies,
 21 effortful control, attitudes, dispositions, social skills, or other interpersonal or
 22 intrapersonal resources.

23 * * *

24 K. State content standards and assessments developed and implemented as
 25 provided in this Section shall not supersede the requirements of a student's
 26 Individualized Education Program or Section 504 plan, nor any accommodations for
 27 English Language Learners. In implementing the standards and assessments as
 28 provided in this Section, each city, parish, and other local public school board shall
 29 comply with applicable state laws and the Federal Individuals with Disabilities

1 Education Act and ensure that all Individualized Education Programs, Section 504
2 plans, and accommodations for English Language Learners are fully implemented.
3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harris

HB No. 672

Abstract: Provides for the development, review, and adoption of state content standards for required subjects by the State Board of Elementary and Secondary Education. Provides a process for standards development and review including participation by La. citizens. Requires public hearings by public school governing authorities to receive public comment relative to the standards. Provides for legislative approval of the standards. Deletes requirements that standards-based assessments be based on rigorous standards comparable at the national level.

Present law, relative to state content standards and related assessments, requires the state Dept. of Education to develop, with the approval of the State Board of Elementary and Secondary Education (BESE), statewide content standards for required subjects (English language arts, math, science, and social studies) for public elementary and secondary schools. Requires implementation of the standards by the department as approved by BESE, with recommendations prior to approval and advice from the educational personnel in the public schools and colleges and universities of this state. Requires standards-based assessments for required subjects to be implemented by BESE and administered in at least grades 3 through 11. Provides that such assessments be based on state content standards and rigorous student achievement standards comparable to national student achievement levels. Further requires that the rigor of such assessments shall at least compare to that of national achievement tests. Requires BESE to establish the adequate test scores for determining successful student performance on the tests. Specifies that the standards-based assessments in English language arts and math shall be based on nationally recognized content standards. Permits public school governing authorities to develop and implement curriculum, content, and methodology for required subjects in lieu of that recommended by the state Dept. of Education or BESE.

Proposed law, relative to state content standards, provides for the development, review, and adoption by BESE. Specifies a process and time lines for such development, review, and adoption and includes participation by La. citizens selected by BESE based on qualifications as provided in proposed law. Requires the development of standards in English language arts and math to begin in 2016 with implementation beginning in 2018-2019 subject to legislative approval. Provides for the review of the standards for all required subjects every three years beginning in 2020. Requires public school governing authorities to hold public hearings to review the standards and receive public comment. Further requires such governing authorities to report their recommendations and public comments to BESE.

Requires the state Dept. of Education to maintain an online forum on its website and to post the citizen applications and selections, the draft standards, and all public comments received. Provides that all meetings for the development and review of the state content standards are subject to the Open Meetings Law. Provides for legislative approval of the standards by a concurrent resolution. Provides that the standards used in 2010-2011 shall be used until the legislature approves new standards. Requires that lists of recommended or required textbook and curriculum resources published by BESE, the state Dept. of Education, or any other entity shall have at least three curricula and if the list is subdivided, each division shall have at least three curricula. Provides for definitions. Otherwise retains present law.

Proposed law relative to standards-based assessments, deletes requirements that such assessments be based on rigorous student achievement standards comparable to national student achievement levels, that the rigor of such assessments shall at least compare to that of national achievement tests, and that the English language arts and math assessments be based on nationally recognized content standards. Requires BESE to develop new assessments and assessment guides for English language arts and math aligned to the standards developed beginning in 2016 for implementation in 2018-2019 if those standards are approved by the legislature. Provides that the assessments used in 2010-2011 shall be used until the legislature approves new standards and the new assessments are developed. Prohibits the use of any computer adaptive technology and the compilation, collection, or assessment of any biometric information or certain student information, including but not limited to any type of non-cognitive, emotional, or psychological characteristics, attributes, or skills, psychological mindsets, learning strategies, effortful control, attitudes, dispositions, social skills, or other interpersonal or intrapersonal resources, in administration of the assessments. Otherwise retains present law.

Proposed law provides that state content standards and assessments shall not supersede the requirements of a student's Individualized Education Program or Section 504 plan, nor any accommodations for English Language Learners. Requires that in implementing the standards and assessments, local public school boards shall comply with applicable state laws and the Federal Individuals with Disabilities Education Act and ensure that all Individualized Education Programs, Section 504 plans, and accommodations for English Language Learners are fully implemented.

Requires BESE to promulgate rules for all standards and assessments used.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:24.4(A)(4), (E), (F)(1)(c), (d), and (f); Adds R.S. 17:24.4(A)(5), (6), and (7), (F)(1)(g), and (K))