

Regular Session, 2014

HOUSE BILL NO. 1015

BY REPRESENTATIVE SCHRODER AND SENATOR CLAITOR

EDUCATION/SPECIAL: Provides for determinations for grade level promotion of certain students with exceptionalities regarding performance on state tests and provides for calculations of school performance scores relative to such students

1 AN ACT

2 To amend and reenact R.S. 17:24.4(H) and to enact R.S. 17:24.4(K), relative to students  
3 with exceptionalities; to provide for a student's Individualized Education Program  
4 team to determine promotion to the next grade under certain circumstances as it  
5 relates to the student's achievement level on required state assessments; to provide  
6 for certain actions to be taken by the Individualized Education Program team under  
7 certain circumstances; to provide for rules of the State Board of Elementary and  
8 Secondary Education; to provide for the calculation of school performance scores  
9 with respect to certain students with exceptionalities; to require the state Department  
10 of Education to track the performance of students with exceptionalities and to  
11 develop and implement a monitoring and corrective action system for school systems  
12 with high rates of students with exceptionalities performing below expected levels;  
13 and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 17:24.4(H) is hereby amended and reenacted and R.S. 17:24.4(K)  
16 is hereby enacted to read as follows:

17 §24.4. Louisiana Competency-Based Education Program; statewide standards for  
18 required subjects; Louisiana Educational Assessment Program; parish or city  
19 school board comprehensive pupil progression plans; waivers

20 \* \* \*

1 H.(1) The State Board of Elementary and Secondary Education ~~may~~ shall  
2 establish by rule adopted in accordance with the Administrative Procedure Act a  
3 procedure whereby ~~the state superintendent of education may grant a waiver~~  
4 allowing a student's Individualized Education Program team shall determine  
5 promotion to the next grade level for any student with an exceptionality, as defined  
6 in R.S. 17:1942(B), except a gifted or talented student, who fails to meet the required  
7 achievement level necessary for promotion to the next grade on a test administered  
8 to students pursuant to this Section or policies adopted by the state board upon the  
9 request of the local superintendent of the school system in which the student is  
10 enrolled in school, provided that the student meets certain criteria established by the  
11 board Individualized Education Program team relative to attendance, grades, and  
12 conduct. performance on the student's Individualized Education Program goals and  
13 objectives. If an Individualized Education Program team determines that the student  
14 is not required to meet established state or local performance standards on any  
15 assessment for purposes of promotion, the team shall:

16 (a) Identify rigorous educational goals for the student.

17 (b) Include diagnostic information, appropriate monitoring and intervention,  
18 and other evaluation strategies.

19 (c) Include an intensive instructional program.

20 (d) Provide innovative methods to promote the student's advancement  
21 including flexible scheduling, alternate learning environments, online instruction,  
22 and other interventions that are proven to accelerate the learning process and have  
23 been scientifically validated to improve learning and cognitive ability.

24 (e) Identify a course of study that promotes college or workforce readiness,  
25 or both, career placement and advancement, and transition from high school to  
26 postsecondary education or work placement.

27 (2)(a) A student with an exceptionality who is on grade level and has met  
28 state-established performance standards on the required state assessments shall have  
29 promotion and graduation requirements that maintain his performance on grade level

expectations as demonstrated by performance on the required state assessments.

However, under extenuating circumstances, a student's Individualized Education

Program team may determine that a student who has previously met state-established

benchmarks on the required state assessments shall not be required to meet state-

established performance levels as conditions for promotion or graduation. If an

Individualized Education Program team determines that state-established

requirements for academic proficiency on the required state assessments are no

longer a condition for promotion or graduation for a student, the team shall:

(i) Determine appropriate individualized assessments to measure student

proficiency on academic competencies and establish minimum score requirements.

(ii) Provide the student and his parent or legal guardian with information

related to how requirements that vary from standard expectations may impact future

educational and career options.

(iii) Provide reasons for the extenuating circumstances as to why the student

is not required to meet state-established benchmarks on the required state

assessments. Extenuating circumstances shall include but are not limited to

significant mental or medical changes, regressive conditions, and family structure.

(b) The state Department of Education, to the extent possible, shall track the

performance of students with exceptionalities across school systems and, in

collaboration with the Special Education Advisory Panel, establish indicators to

identify school systems with disproportionately high rates of students with

exceptionalities performing below expected levels and declines in performance

across subgroups of students with exceptionalities. The department, to the extent

possible, shall develop and implement a monitoring and corrective action system to

address school systems identified as having high rates of students with

exceptionalities performing below expected levels.

(c) Students with exceptionalities shall be afforded the same opportunities

to pursue a high school diploma and to exit with all course credits, honors, and

financial awards as other students. A student with exceptionalities is not guaranteed

1 a diploma and shall meet either the standard requirements or those established by his  
 2 Individualized Education Program team to be awarded a diploma.

3 \* \* \*

4 K. The calculation of school performance scores pursuant to the school and  
 5 district accountability system shall include the percentage of students with  
 6 exceptionalities whose Individualized Education Program teams determine are not  
 7 required to meet the state-established benchmarks on the required state assessments  
 8 for grade promotion compared to the total student population. The calculation shall  
 9 provide for the assignment of points for every student who achieves his  
 10 Individualized Education Program goals and objectives necessary for grade  
 11 promotion and graduation.

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#### 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)]

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Schroder

HB No. 1015

**Abstract:** Provides for Individualized Education Program (IEP) teams to determine grade level promotion for a student with an exceptionality (except gifted and talented students) under certain circumstances and provides for the calculation of school performance scores with respect to students with exceptionalities.

Present law provides that the State Board of Elementary and Secondary Education (BESE) may establish a procedure for the state superintendent of education to grant a waiver allowing any student with an exceptionality, as defined in present law (R.S. 17:1942(B)), who fails to meet the required achievement level necessary for promotion to the next grade on a test administered pursuant to present law or BESE policies if the student meets certain criteria established by BESE relative to attendance, grades, and conduct.

Proposed law instead requires BESE to adopt a rule to provide that such student's Individualized Education Program (IEP) team shall determine promotion of the student to the next grade level if the student meets certain criteria established by the IEP team relative to performance on IEP goals and objectives. Requires that if an IEP team determines that the student is not required to meet established state or local performance standards on any assessment for purposes of promotion, the team shall take certain actions including but not limited to identifying rigorous educational goals for the student and a course of study that promotes college or workforce readiness. Proposed law provides for applicability of present law to students with exceptionalities as defined in present law (R.S. 17:1942(B), except gifted and talented students).

Proposed law provides that students with exceptionalities be afforded the same opportunities to pursue a high school diploma and to exit with all course credits, honors, and financial awards as other students. Specifies that such students are not guaranteed a diploma and have

to meet either the standard requirements or those established by his IEP team to be awarded a diploma.

Proposed law requires that the school performance scores calculations include the percentage of students with exceptionalities whose IEP teams determine are not required to meet the state-established benchmarks on the required state assessments for grade promotion compared to the total student population. Provides that the calculation shall include the assignment of points for students with exceptionalities who meet their IEP team goals and objectives necessary for promotion and graduation.

Provides that a student with exceptionalities who is on grade level and has met state-established performance standards on the required state assessments shall have promotion and graduation requirements that maintain his performance on grade level expectations as demonstrated by performance on the required state assessments. Further provides that under extenuating circumstances, a student's IEP team may determine that a student who has previously met state-established benchmarks on the required state assessments shall not be required to meet state-established performance levels as conditions for promotion or graduation. Provides that if an IEP team determines that state-established requirements for academic proficiency on the required state assessments are no longer a condition for performance or graduation for a student, the team shall:

- (1) Determine appropriate individualized assessments to measure student proficiency on academic competencies and establish minimum score requirements.
- (2) Provide the student and his parent or legal guardian with information related to how requirements that vary from standard expectations may impact future educational and career options.
- (3) Provide reasons for the extenuating circumstances as to why the student is not required to meet state-established benchmarks on the required state assessments. Extenuating circumstances shall include but are not limited to significant mental or medical changes, regressive conditions, and family structure.

Proposed law requires the state Dept. of Education to track the performance of students with exceptionalities across school systems and, in collaboration with the Special Education Advisory Panel, establish indicators to identify school systems with disproportionately high rates of students with exceptionalities performing below expected levels and declines in performance across subgroups of students with exceptionalities. Further requires the department to develop and implement a monitoring and corrective action system to address school systems identified as having high rates of students with exceptionalities performing below expected levels.

(Amends R.S. 17:24.4(H); Adds R.S. 17:24.4(K))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Exempts gifted and talented students from proposed law applicability.
2. Requires that the school performance scores calculations include the percentage of students with exceptionalities who are not required to meet the state-established benchmarks for grade promotion.
3. Provides that if an IEP team determines that state-established requirements for academic proficiency on the required state assessments are no longer a condition for promotion or graduation for a student, the team shall take certain actions

including determining appropriate individualized assessments to measure student proficiency on academic competencies and establishing minimum score requirements.

4. Requires the state Dept. of Education to track the performance of students with exceptionalities and establish indicators to identify and implement a monitoring and corrective actions system for school systems with disproportionately high rates of students with exceptionalities performing below expected levels.