

Regular Session, 2014

HOUSE BILL NO. 1015

BY REPRESENTATIVE SCHRODER AND SENATOR CLAITOR AND REPRESENTATIVES ABRAMSON, ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, BROADWATER, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CONNICK, COX, CROMER, DIXON, DOVE, EDWARDS, FOIL, FRANKLIN, GUILLORY, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, IVEY, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, KLECKLEY, LAMBERT, TERRY LANDRY, LEBAS, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SIMON, SMITH, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, WILLMOTT, AND WOODRUFF

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), 183.2(B)(1) and (C), 183.3(B)(3) and

3 (D)(1)(introductory paragraph), (a), and (b)(i) and (ii), and 2925(A)(2) and to enact

4 R.S. 17:24.4(K) and 183.3(D)(1)(b)(iii)(dd) and (E), relative to students with

5 exceptionalities; to provide for a student's Individualized Education Program team

6 to determine promotion to the next grade under certain circumstances as it relates to

7 the student's achievement level on required state assessments; to provide for certain

8 actions to be taken by the Individualized Education Program team under certain

9 circumstances; to provide for participation by a student's Individualized Education

10 Program team relative to requirements for Individual Graduation Plans and

11 graduation; to provide relative to criteria for pursuing a career major curriculum; to

12 provide for the issuance of a high school diploma; to provide for rules of the State

13 Board of Elementary and Secondary Education; to provide for the calculation of

1 school performance scores with respect to certain students with exceptionalities; to
2 require the state Department of Education to track the performance of students with
3 exceptionalities and to develop and implement a monitoring and corrective action
4 system for school systems with high rates of students with exceptionalities
5 performing below expected levels; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:24.4(H), 183.2(B)(1) and (C), 183.3(B)(3) and
8 (D)(1)(introductory paragraph), (a), and (b)(i) and (ii), and 2925(A)(2) are hereby amended
9 and reenacted and R.S. 17:24.4(K) and 183.3(D)(1)(b)(iii)(dd) and (E) are hereby enacted
10 to read as follows:

11 §24.4. Louisiana Competency-Based Education Program; statewide standards for
12 required subjects; Louisiana Educational Assessment Program; parish or city
13 school board comprehensive pupil progression plans; waivers

14 * * *

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

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

2 (b) Include diagnostic information, appropriate monitoring and intervention,
3 and other evaluation strategies.

4 (c) Include an intensive instructional program.

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

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

12 (2)(a) An alternative pathway to promotion determination by a student's
13 Individualized Education Program team shall apply only if the student has not
14 otherwise met the state and local requirements for promotion or has not otherwise
15 met state-established benchmarks on the required state assessments in the year
16 immediately prior to each grade level in which the student would otherwise be
17 required to demonstrate certain proficiency levels in order to advance to the next
18 grade level.

19 (b) The state Department of Education, to the extent possible, shall track the
20 performance of students with exceptionalities across school systems and, in
21 collaboration with the Special Education Advisory Panel, establish indicators to
22 identify school systems with disproportionately high rates of students with
23 exceptionalities performing below expected levels and declines in performance
24 across subgroups of students with exceptionalities. The department, to the extent
25 possible, shall develop and implement a monitoring and corrective action system to
26 address school systems identified as having high rates of students with
27 exceptionalities performing below expected levels.

28 * * *

1 (i) Establish minimum score requirements on appropriate individualized
2 assessments measuring student proficiency on academic competencies for promotion
3 and graduation.

4 (ii) Provide the student and his parent or legal guardian with information
5 related to how requirements that vary from standard expectations may impact future
6 educational and career options.

7 (d) Students with exceptionalities shall be afforded the same opportunities
8 to pursue a high school diploma and to exit with all course credits, honors, and
9 financial awards as other students. A student with an exceptionality is not
10 guaranteed a diploma and shall meet either the standard requirements or those
11 established by his Individualized Education Program team to be awarded a diploma
12 as provided in R.S. 17:183.3(E).

13 * * *

14 C. Throughout high school, each student shall pursue the rigorous
15 curriculum required for his chosen major by his school as approved by the State
16 Board of Elementary and Secondary Education or, for a student with an
17 exceptionality, the rigorous requirements established for graduation by the
18 Individualized Education Program team.

19 * * *

20 §183.3. Career major; description; curriculum and graduation requirements

21 * * *

22 B.

23 * * *

24 (3) The questions included in any end-of-course examination administered
25 to students pursuing a career major program and curriculum as provided in this
26 Section, ~~the passage of which is required for high school graduation,~~ shall be
27 constructed in a manner that reflects course design and content and the method of
28 instruction employed for the course.

29 * * *

1 D.(1) A student who seeks to pursue a career major curriculum ~~must~~ shall
2 meet one of the following conditions:

3 (a) The student has fulfilled all of the requirements established by the State
4 Board of Elementary and Secondary Education and the city, parish, or other local
5 public school board where the student is enrolled or the Individualized Education
6 Program team, if applicable, for promotion to the ninth grade.

7 (b)(i) The student is at least fifteen years of age, or will attain the age of
8 fifteen during the next school year, scored at least at the approaching basic level on
9 either the English/Language Arts or Mathematics component of the eighth grade
10 Louisiana Educational Assessment Program test, and meets the objective criteria
11 established by the pupil progression plan of the city, parish, or other local public
12 school system where the student is enrolled or the requirements for promotion
13 established by the Individualized Education Program team, if applicable, to enter the
14 ninth grade for the purpose of pursuing a career major curriculum.

15 (ii) Prior to entering the ninth grade, ~~such student must~~ the student shall
16 complete a summer remediation program in the subject area of any component of the
17 eighth grade Louisiana Educational Assessment Program test on which the student
18 scored at the unsatisfactory level, as established by the State Board of Elementary
19 and Secondary Education or complete the summer remediation requirements for
20 promotion established by the Individualized Education Program team, if applicable.

21 Any such student who fails to satisfactorily complete a summer remediation program
22 shall be required to complete any approved developmental course or courses, for
23 credit, as may be deemed necessary to ensure that the student is prepared to
24 undertake the coursework required for his chosen career major.

25 (iii) The State Board of Elementary and Secondary Education shall certify
26 that the pupil progression plan established by each city, parish, or other local public
27 school system that promotes a student to the ninth grade pursuant to this
28 Subparagraph contains the following requirements:

29 * * *

1 (dd) Provides for promotion determinations for a student with an
2 exceptionality, as defined in R.S. 17:1942(B), except a gifted or talented student, to
3 be made by the Individualized Education Program teams.

4 * * *

5 E.(1) A student with an exceptionality, as defined in R.S. 17:1942(B), except
6 a gifted or talented student, who successfully completes the requirements of his
7 Individualized Education Program, including performance on any assessment
8 required for graduation determined appropriate by his Individualized Education
9 Program team, shall be issued a high school diploma. The student's Individualized
10 Education Program team shall determine if the student is required to meet state or
11 local established performance standards on any assessment for purposes of
12 graduation.

13 (2) If a student's Individualized Education Program team determines that the
14 student is not required to meet state or local performance standards on any
15 assessment for purposes of graduation, the student shall be required to successfully
16 complete Individualized Education Program goals and requirements and shall meet
17 at least one of the following conditions, consistent with the Individualized Education
18 Program:

19 (a) Employment in integrated, inclusive work environments, based on the
20 student's abilities and local employment opportunities, in addition to sufficient
21 self-help skills to enable the student to maintain employment without direct and
22 continuous educational support from the school district.

23 (b) Demonstrate mastery of specific employability skills and self-help skills
24 that indicate that he does not require direct and continuous educational support from
25 the school district.

26 (c) Access to services that are not within the legal responsibility of public
27 education or employment or education options for which the student has been
28 prepared by the academic program.

1 (3) A diploma issued to a student with an exceptionality based on achieving
2 his Individualized Education Program goals and objectives shall count equally and
3 be assigned the same number of points in the school performance score calculation
4 for high schools as are assigned for a student with a regular diploma.

5 * * *

6 §2925. Individual graduation plans

7 A.

8 * * *

9 (2) Each student, with the assistance of his parent or other legal guardian and
10 school guidance personnel, shall be allowed to choose the high school curriculum
11 framework and related graduation requirements that best ~~meets~~ meet his
12 postsecondary goals. Each student's ~~individual graduation plan~~ Individual
13 Graduation Plan shall include the recommended sequence of courses for successful
14 completion of his chosen major that aligns with postsecondary education, training,
15 and the workforce and shall be reviewed annually and updated or revised as needed.
16 For a student with an exceptionality, as defined in R.S. 17:1942(B), except a gifted
17 or talented student, the high school curriculum framework and related graduation
18 requirements shall be determined by the Individualized Education Program team.

19 * * *

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)]

Schroder

HB No. 1015

Abstract: Relative to students with exceptionalities (except gifted and talented), provides for Individualized Education Program (IEP) teams to determine promotion and graduation requirements; provides for participation by IEP teams relative to graduation plans; provides for the issuance of diplomas; and provides for the calculation of school performance scores.

Present law, relative to students with exceptionalities, 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 such student 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 a 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 state or local established 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. Provides that an alternative pathway to promotion and graduation determination by a student's IEP team shall apply only if the student has not otherwise met the state and local requirements for promotion or has not otherwise met state-established benchmarks on the required state assessments in the year immediately prior to each grade level in which the student would otherwise be required to demonstrate certain proficiency levels in order to advance to the next grade level.

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:

- (1) Establish minimum score requirements on appropriate individualized assessments measuring student proficiency on academic competencies for promotion and graduation.
- (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.

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.

Requires that the school performance scores calculations include the percentage of students with exceptionalities whose IEP teams determine they 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 an exceptionality who successfully completes the requirements of his IEP shall be issued a high school diploma. Provides that the IEP team determines if the student is required to meet state or local established performance standards on any assessment for purposes of graduation and if the determination is that the student is not so required, the student is required to successfully complete IEP goals and requirements and to meet specified conditions. Provides that a diploma issued to a student based on achieving his IEP goals and objectives shall count equally and be assigned the same number of points in the school performance score calculation for high schools as are assigned for a student with a regular diploma.

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.

Present law relative to the high school career option program, provides for an academic major (college prep. courses) and a career major (academic courses and modern vocational studies). Requires BESE to develop and adopt requirements for career major programs offered by school boards and to issue a career diploma to students who successfully complete such requirements. Requires students in a career major program to complete an academic core of courses and a career and technical sequence of courses and specifies course requirements. Requires a student seeking to pursue a career major curriculum to meet specified conditions. Requires BESE to certify that the pupil progression plan of each local school system that promotes a student who did not meet 8th grade LEAP standards to the 9th grade contains specified requirements.

Present law relative to Individual Graduation Plans, requires students by the end of the 8th grade, to develop a plan to help explore educational and career possibilities and to make appropriate decisions as part of an overall career plan. Permits students to choose the high school curriculum framework and related graduation requirements that best meet their postsecondary goals. Provides that each student's plan shall include the recommended sequence of courses needed for successful completion of his chosen career major and shall be reviewed annually and updated as needed. Requires that a student's plan be signed by the student and his parent or other legal guardian.

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 retains present law and provides for determinations relative to promotion and graduation requirements to be made by the student's IEP team. Provides for involvement by the IEP team in the development and review of an Individual Graduation Plan.

(Amends R.S. 17:24.4(H), 183.2(B)(1) and (C), 183.3(B)(3) and (D)(1)(intro. para.), (a), and (b)(i) and (ii), and 2925(A)(2); Adds R.S. 17:24.4(K) and 183.3(D)(1)(b)(iii)(dd) and (E))

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.

House Floor Amendments to the engrossed bill.

1. Adds that IEP teams shall make determinations for promotion and graduation requirements for students (including as it relates to students pursuing a career major curriculum) and provides for involvement by the IEP team in the development and review of a student's Individual Graduation Plan.
2. Adds that if the IEP team determination is that the student is not required to meet state or local performance standards on assessments for graduation, the student is required to successfully complete IEP goals and requirements and to meet specified conditions.
3. Adds that a student with an exceptionality who successfully completes the requirements of his IEP shall be issued a high school diploma and provides that such a diploma shall count equally and be assigned the same number of points in the school performance score calculation for high schools as are assigned for a student with a regular diploma.
4. Adds that an alternative pathway to promotion and graduation determination by a student's IEP team shall apply only if the student has not otherwise met the state and local requirements for promotion or has not otherwise met state-established benchmarks on the required state assessments in the year immediately prior to each grade level in which the student would otherwise be required to demonstrate certain proficiency levels in order to advance to the next grade level.
5. Deletes proposed law relative to promotion and graduation requirements for a student with an exceptionality who is on grade level and has met state-established performance standards on the required state assessments and that provided 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.