

CONFERENCE COMMITTEE REPORT
House Bill No. 1015 By Representative Schroder

June 2, 2014

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 1015 by Representative Schroder, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 7 and 10 proposed by the Senate Committee on Education and adopted by the Senate on May 26, 2014, be adopted.
2. That Senate Committee Amendments Nos. 8, 9, 11, and 12 proposed by the Senate Committee on Education and adopted by the Senate on May 26, 2014, be rejected.
3. That Amendment Nos. 1, 2, and 3 proposed by the Legislative Bureau and adopted by the Senate on May 27, 2014, be rejected.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Education and adopted by the Senate on May 26, 2014, on page 1, at the beginning of line 21, change "(b)" to "(a)".

AMENDMENT NO. 2

On page 1, line 2, after "183.3" delete the remainder of the line and delete lines 3 and 4, and insert "(D)(1) and 2925(A), to enact R.S. 17:183.3(E) and (F), and to repeal R.S. 17:183.2(B)(2), relative to students with"

AMENDMENT NO. 3

On page 2, line 7, after "183.3" delete the remainder of the line and delete lines 8 and 9, and insert "(D)(1) and 2925(A) are hereby amended and reenacted and R.S. 17:183.3(E) and (F) are hereby enacted"

AMENDMENT NO. 4

On page 4, line 12, after "B.(1)" delete the remainder of the line and delete lines 13 through 19

AMENDMENT NO. 5

On page 4, at the beginning of line 27, change "(c)" to "(b)"

AMENDMENT NO. 6

On page 5, at the beginning of line 7, change "(d)" to "(c)"

AMENDMENT NO. 7

On page 5, delete line 13 in its entirety

AMENDMENT NO. 8

On page 5, delete lines 17 and 18 and insert "exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted or talented and who has no other exceptionality, who meets the eligibility criteria as provided in Subparagraph (B)(1)(a) of this Section, as determined by the student's Individualized Education Program team, if applicable."

AMENDMENT NO. 9

On page 5, delete lines 24 through 29 in their entirety

AMENDMENT NO. 10

On page 6, at the beginning of line 1, after "D." and before "A" delete "(1)"

AMENDMENT NO. 11

On page 6, at the beginning of line 3, change "(a)" to "(1)"

AMENDMENT NO. 12

On page 6, delete lines 7 through 29 in their entirety

AMENDMENT NO. 13

On page 7, delete lines 1 through 3 in their entirety

AMENDMENT NO. 14

On page 7, line 6, after "student" and before "who" insert "who meets the eligibility criteria as provided in R.S. 17:183.2(B)(1)(a) and"

AMENDMENT NO. 15

On page 8, between lines 4 and 5, insert the following:

"F. High school promotion determinations for a student with an exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted or talented and who has no other exceptionality, who meets the eligibility criteria as provided in R.S. 17:183.2(B)(1)(a) shall be made by the student's Individualized Education Program team."

AMENDMENT NO. 16

On page 8, delete lines 7 through 18 and insert the following:

"A.(1) ~~In accordance with the provisions of R.S. 17:183.2, by~~ By the end of the eighth grade, every student, with the assistance of his parent or other legal ~~guardian custodian~~ and school ~~guidance personnel, counselor, and~~ for a student with an exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted or talented and who has no other exceptionality, ~~the student's Individualized Education Program team, if applicable,~~ shall begin to develop an individual graduation plan to ~~Individual Graduation Plan to guide the next academic year's course work and to assist them~~ the student in exploring educational and career possibilities and in making appropriate secondary and postsecondary decisions as part of an overall ~~career~~ postsecondary plan. ~~The plan shall be based on the student's talents and~~

interests and shall consider high school graduation requirements relevant to the student's chosen major and postsecondary entrance requirements.

(2) By the end of the eighth grade, each student's Individual Graduation Plan, or the student's Individualized Education Plan, if applicable, shall list the required core courses to be taken through the tenth grade and shall identify the courses to be taken in the first year of high school. Students who fail to meet the standard for promotion to the ninth grade, pursuant to policies adopted by the State Board of Elementary and Secondary Education, shall have any necessary remedial courses included in their Individual Graduation Plan. The plan shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required core courses are completed.

(3) By the end of the tenth grade, each student's Individual Graduation Plan, based on the student's academic record, talents and interests, shall outline high school graduation requirements relevant to the student's chosen postsecondary goals. Each student, with the assistance of his parent or other legal guardian custodian and school guidance personnel, counselor shall be allowed to choose the high school curriculum framework and related graduation requirements that best meets meet his postsecondary goals. Each student's individual graduation plan Individual Graduation Plan, or the student's Individualized Education Plan, if applicable, shall include the recommended sequence of courses for successful completion of his chosen major a standard diploma that aligns with postsecondary education, training, and the workforce and shall be reviewed annually and updated or revised as needed.

~~(3)~~(4) The Individual Graduation Plan Individual graduation plans shall be sufficiently flexible to allow students the student to change their his program of study, yet be sufficiently structured to ensure that a the student will meet the high school graduation requirements for his chosen major, or the requirements of the student's Individualized Education Plan, if applicable, and be qualified for admission to a postsecondary education institution or to enter the workforce.

~~(4)~~(5) Each student's individual graduation plan Individual Graduation Plan shall be signed by the student, and his parent or other legal guardian, custodian, and the school counselor."

AMENDMENT NO. 17

On page 8, after line 19, add the following:

"Section 2. R.S. 17:183.2(B)(2) is hereby repealed in its entirety."

Respectfully submitted,

Representative John M. Schroder

Senator Conrad Appel

Representative Stephen F. Carter

Senator Dan Claitor

Representative J. Kevin Pearson

Senator Mack "Bodi" White, Jr.

 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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 1015 by Representative Schroder

Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Add that proposed law applies only to a student identified with an exceptionality other than gifted and talented.
2. Provide that to be eligible to pursue an alternative pathway to graduation, a student with an exceptionality must fail to meet BESE prescribed performance benchmarks for two of the most recent three years instead of the previous year.
3. Delete proposed law that allowed the IEP team to establish minimum score requirements on assessments for promotion and graduation and instead requires the team to establish minimum performance requirements in the student's IEP relevant to promotion and graduation, including the assessments to be used for awarding course credits. Also requires IEP team to consider establishing minimum performance requirements for annual academic and functional goals resulting from the student's disability.
4. Provide that the criteria established in a student's IEP will prevail over his Individual Graduation Plan, if applicable.
5. Delete proposed law requirements that school performance score 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 and that the calculation include the assignment of points for students with exceptionalities who meet their IEP team goals and objectives necessary for promotion and graduation.

Report rejects Senate amendments that:

1. Conflicted with amendments as proposed in this Report.

Report amends the bill to:

1. Resolve conflicts between this bill and certain provisions of enrolled House Bill No. 944 from the 2014 Regular Session relative to the high school career option program as it applies to certain students with exceptionalities.

Digest of the bill as proposed by the Conference Committee

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. Specifies that proposed law does not apply to a student identified as gifted and talented with no other exceptionality.

Provides that if a student, for any two of the three most recent school years, or for a student in high school, the two most recent administrations of any state-established assessments required for graduation, has not otherwise met state-established benchmarks on required state assessments, the student's IEP team may determine an alternative pathway to graduation for the student.

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) Within 30 days of the student entering the course or grade level, establish minimum performance requirements in the student's IEP relevant to promotion or graduation requirements, including but not limited to end-of-course assessments, to be incorporated for awarding course credits. Requires BESE to make available a list of multiple appropriate assessments and guidance for use in establishing minimum score requirements on the assessments that an IEP team may but shall not be required to use. Requires the IEP team to consider establishing minimum performance requirements for annual academic and functional goals designed to meet the student's needs that result from the student's disability and that will enable the student to be involved in and make progress in the general education curriculum, and to meet other educational needs of the student that result from the student's disability, including the student's postsecondary goals related to training, education, employment, and, where appropriate, independent living skills.
- (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.

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 diploma issued to any other student.

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 who have no other exceptionality).

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(D)(1) and 2925(A); Adds R.S. 17:183.3(E) and (F); Repeals R.S. 17:183.2(B)(2))