

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 AND SENATORS APPEL, BROOME, BUFFINGTON, CORTEZ, CROWE, DONAHUE, ERDEY, GUILLORY, LAFLEUR, LONG, MURRAY, NEVERS, RISER, GARY SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 17:24.4(H), 183.2(B)(1) and (C), 183.3(D)(1) and 2925(A), to
3 enact R.S. 17:183.3(E) and (F), and to repeal R.S. 17:183.2(B)(2), relative to
4 students with exceptionalities; to provide for a student's Individualized Education
5 Program team to determine promotion to the next grade under certain circumstances
6 as it relates to the student's achievement level on required state assessments; to
7 provide for certain actions to be taken by the Individualized Education Program team
8 under certain circumstances; to provide for participation by a student's Individualized
9 Education Program team relative to requirements for Individual Graduation Plans
10 and graduation; to provide relative to criteria for pursuing a career major curriculum;
11 to provide for the issuance of a high school diploma; to provide for rules of the State
12 Board of Elementary and Secondary Education; to require the state Department of
13 Education to track the performance of students with exceptionalities and to develop
14 and implement a monitoring and corrective action system for school systems with
15 high rates of students with exceptionalities performing below expected levels; and
16 to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 17:24.4(H), 183.2(B)(1) and (C), 183.3(D)(1) and 2925(A) are
3 hereby amended and reenacted and R.S. 17:183.3(E) and (F) are hereby enacted to read as
4 follows:

5 §24.4. Louisiana Competency-Based Education Program; statewide standards for
6 required subjects; Louisiana Educational Assessment Program; parish or city
7 school board comprehensive pupil progression plans; waivers

8 * * *

9 H.(1) The State Board of Elementary and Secondary Education ~~may~~ shall
10 establish by rule adopted in accordance with the Administrative Procedure Act a
11 procedure whereby ~~the state superintendent of education may grant a waiver~~
12 ~~allowing~~ a student's Individualized Education Program team shall determine
13 promotion to the next grade level for any student with an exceptionality, as defined
14 in R.S. 17:1942(B), except a student identified as gifted and talented and who has no
15 other exceptionality, who fails to meet the required achievement level necessary for
16 promotion to the next grade on a test administered to students pursuant to this
17 Section or policies adopted by the state board upon the request of the local
18 superintendent of the school system in which the student is enrolled in school,
19 provided that the student meets certain criteria established by the board
20 Individualized Education Program team relative to attendance, grades, and conduct.
21 performance on the student's Individualized Education Program goals and objectives.
22 If an Individualized Education Program team determines that the student is not
23 required to meet state or local established performance standards on any assessment
24 for purposes of promotion, the team shall:

- 25 (a) Identify rigorous educational goals for the student.
- 26 (b) Include diagnostic information, appropriate monitoring and intervention,
27 and other evaluation strategies.
- 28 (c) Include an intensive instructional program.
- 29 (d) Provide innovative methods to promote the student's advancement
30 including flexible scheduling, alternate learning environments, online instruction,

1 and other interventions that are proven to accelerate the learning process and have
2 been scientifically validated to improve learning and cognitive ability.

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

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

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

22 * * *

23 §183.2. Career option description

24 * * *

25 B.(1)(a) If the student, for any two of the three most recent school years, or
26 for a student in high school, the two most recent administrations of any state-
27 established assessments required for graduation, has not otherwise met state-
28 established benchmarks on required state assessments, the student's Individualized
29 Education Program team shall have the option of determining an alternative pathway
30 to graduation for the student.

1 **(b) If an Individualized Education Program team determines that state-**
2 **established benchmarks on the required state assessments are no longer a condition**
3 **for promotion or graduation for a student, the team shall:**

4 **(i) Within thirty days of the student entering the course or grade level,**
5 **establish minimum performance requirements in the student's Individualized**
6 **Education Plan relevant to promotion or graduation requirements, including but not**
7 **limited to end-of-course assessments, and shall be incorporated for awarding course**
8 **credits. The state board shall make available a list of multiple appropriate**
9 **assessments and guidance for use in establishing minimum score requirements on the**
10 **assessments that an Individualized Education Program team may, but shall not be**
11 **required to, use for this purpose. The Individualized Education Program team shall**
12 **consider establishing minimum performance requirements for annual academic and**
13 **functional goals designed to meet the student's needs that result from the student's**
14 **disability and that will enable the student to be involved in and make progress in the**
15 **general education curriculum, and to meet other educational needs of the student that**
16 **result from the student's disability, including the student's postsecondary goals**
17 **related to training, education, employment, and, where appropriate, independent**
18 **living skills.**

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

22 **(c) Students with exceptionalities shall be afforded the same opportunities**
23 **to pursue a high school diploma and to exit with all course credits, honors, and**
24 **financial awards as other students. A student with an exceptionality is not**
25 **guaranteed a diploma and shall meet either the standard requirements or those**
26 **established by his Individualized Education Program team to be awarded a diploma**
27 **as provided in R.S. 17:183.3(E).**

28 C. Throughout high school, each student shall pursue the rigorous
29 curriculum required for his chosen major by his school as approved by the State
30 Board of Elementary and Secondary Education or, for a student with an

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

5 * * *

6 §183.3. Career major; description; curriculum and graduation requirements

7 * * *

8 B.

9 * * *

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

12 ~~(+)~~(1) The student has fulfilled all of the requirements established by the
 13 State Board of Elementary and Secondary Education and the city, parish, or other
 14 local public school board where the student is enrolled or the Individualized
 15 Education Program team, if applicable, for promotion to the ninth grade.

16 * * *

17 E.(1) A student with an exceptionality, as defined in R.S. 17:1942(B), except
 18 a gifted or talented student, who meets the eligibility criteria as provided in R.S.
 19 17:183.2(B)(1)(a) and who successfully completes the requirements of his
 20 Individualized Education Program, including performance on any assessment
 21 required for graduation determined appropriate by his Individualized Education
 22 Program team, shall be issued a high school diploma. The student's Individualized
 23 Education Program team shall determine if the student is required to meet state or
 24 local established performance standards on any assessment for purposes of
 25 graduation.

26 (2) If a student's Individualized Education Program team determines that the
 27 student is not required to meet state or local performance standards on any
 28 assessment for purposes of graduation, the student shall be required to successfully
 29 complete Individualized Education Program goals and requirements and shall meet

1 at least one of the following conditions, consistent with the Individualized Education
2 Program:

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

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

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

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

17 F. High school promotion determinations for a student with an exceptionality
18 as defined in R.S. 17:1942(B), except a student identified as gifted or talented and
19 who has no other exceptionality, who meets the eligibility criteria as provided in R.S.
20 17:183.2(B)(1)(a) shall be made by the student's Individualized Education Program
21 team.

22 * * *

23 §2925. Individual graduation plans

24 A.(1) ~~In accordance with the provisions of R.S. 17:183.2, by~~ By the end of
25 the eighth grade, every student, with the assistance of his parent or other legal
26 ~~guardian custodian and school guidance personnel, counselor,~~ and for a student with
27 an exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted
28 or talented and who has no other exceptionality, the student's Individualized
29 Education Program team, if applicable, shall begin to develop an individual
30 graduation plan to Individual Graduation Plan to guide the next academic year's

1 ~~course work and to assist them~~ the student in exploring educational and career
 2 possibilities and in making appropriate secondary and postsecondary decisions as
 3 part of an overall ~~career~~ postsecondary plan. ~~The plan shall be based on the student's~~
 4 ~~talents and interests and shall consider high school graduation requirements relevant~~
 5 ~~to the student's chosen major and postsecondary entrance requirements.~~

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

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

26 ~~(3)~~(4) The Individual Graduation Plan ~~Individual graduation plans~~ shall be
 27 sufficiently flexible to allow ~~students~~ the student to change ~~their~~ his program of
 28 study, yet be sufficiently structured to ensure that ~~a~~ the student will meet the high
 29 school graduation requirements for his chosen major, or the requirements of the

1 student's Individualized Education Plan, if applicable, and be qualified for admission
 2 to a postsecondary education institution or to enter the workforce.

3 ~~(4)(5)~~ (5) Each student's ~~individual graduation plan~~ Individual Graduation Plan
 4 shall be signed by the student, ~~and his parent or other legal guardian.~~ custodian, and
 5 the school counselor.

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____