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EDUCATION

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Title 28
EDUCATION

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

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Chapter 1. Purpose

§101. Foreword

A. This publication represents a forward step in the implementation of a vital component of the Louisiana Competency-Based Education Program. These policies and procedures represent a cooperative effort of offices in the Louisiana Department of Education (DOE), and educators from across the state.

B. The DOE will continue to provide leadership and assistance to school systems in an effort to attain a public system of education that makes the opportunity to learn available to all students on equal terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2169 (November 1999), amended LR 33:2061 (October 2007), 36:2001 (September 2010).

§103. Preface

A. "The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just and designed to promote excellence in order that every individual may be afforded an equal opportunity to achieve his full potential" (Preamble to Article VIII, Louisiana Constitution). This goal statement from the Constitution suggests that public elementary and secondary education is only a part of a continuum of services that should be available to assist each individual to identify and reach his/her own educational or training goals as quickly and effectively as possible.

B. The amendment and enactment of the Louisiana Competency-Based Education Program, Act 750, (R.S. 17:24.4) by the Louisiana State Legislature in Regular Session during the summer of 1997, was the result of an ever-increasing demand by Louisiana's taxpayers for a better accounting of their educational dollars. This far-reaching statute called for:

1. the establishment of a program for shared educational accountability in the public educational system of Louisiana;
2. the provision for a uniform system of evaluation of the performance of school personnel;
3. the attainment of established goals for education;
4. the provision of information for accurate analysis of the costs associated with public educational programs;
5. the provision of information for an analysis of the effectiveness of instructional programs; and
6. the annual assessment of students based on state content standards.

C. The Louisiana Competency-Based Program is based on the premise that the program must provide options to accommodate the many different learning styles of its students. Every effort is being made to tailor the curriculum to the needs of the individual student, including the student with special instructional needs who subsequently needs curricular alternatives. Such a practice enhances the probability of success, since the student is provided with an instructional program compatible with his individual learning styles as well as with his needs.

D. The Louisiana State Legislature in Regular Session during the summer of 1997 amended and reenacted R.S. 17:24.4(F) and (G)(1), relative to the Louisiana Competency-Based Education Program, to require proficiency on certain tests as determined by the state Board of Elementary and Secondary Education (BESE) for student promotion and to provide guidance relative to the content of pupil progression plans.

E. The amended Sections relate state content standards adopted for mathematics, English language arts, science, and social studies, to the Louisiana Educational Assessment Program (LEAP), and to the comprehensive pupil progression plans of each of the local educational agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2169 (November 1999), amended LR 33:2061 (October 2007), LR 36:2001 (September 2010).

Chapter 3. General Procedure for Development; Approval and Revision of a Pupil Progression Plan

§301. Development of a Local Plan

A. Committee of Educators

1. The state Board of Elementary and Secondary Education (BESE) and the DOE require assurances that the local education agency (LEA) Supervisors of Elementary and Secondary Education, Special Education, Career and Technical Education, Adult Education, Title I, teachers and principals and other individuals deemed appropriate by the local Superintendent are included in the development of the parish pupil progression plan.

B. Committee of Parents

1. A committee representing the parents of the school district shall be appointed by each city and parish school board. Procedures shall be established whereby this committee shall be informed of the development of the pupil progression plan. Opportunities shall be provided for parents to have input into the development of the local plan.

2. Due process and equal protection considerations require the local board to include on the parent committee representatives of various disability groups, racial, socioeconomic, and ethnic groups from the local district.

3. The local board shall provide staff support to the parent committee.

C. The LEA shall keep on file a written description of the method of selection, composition, function and activities of the local committees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2170 (November 1999), amended LR 36:2002 (September 2010).

§303. Adoption Procedures

A. Initial Adoption by the Local School Board

1. Meetings of the local committees shall be conducted within the legal guidelines of Louisiana's Open Meeting Law.

2. The local pupil progression plan shall be adopted at a public meeting of the local board, notice of which shall be published pursuant to the Open Meetings Law. It shall be stated that once the plan has been adopted and approved, the policies in the local plan shall be incorporated into the policies and procedures manual of the local school board.

3. The statements defining the committee-selection process and the pupil progression plan are public documents that must be handled within the guidelines of the Public Records Act.

B. Locally Initiated Interim Revisions

1. LEAs will comply with the same procedure as for initial adoption by the local school board.

C. State Mandated Interim Revisions

1. School systems will be notified of any policy change that will affect their currently approved pupil progression plan within 15 working days after the Notice of Intent is passed by BESE.

2. LEAs shall develop a procedure for informing the public of the proposed policy change.

3. After final adoption as a rule by BESE, school boards shall adopt and incorporate the state mandated policy changes into their current pupil progression plan within 30 working days after notification of said changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 42:4:2(A)(2); R.S. 44:1-42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2170 (November 1999), LR 36:2002 (September 2010).

§305. Submission Process

A. Upon adoption for submission by the local school board, the plan along with a formal submission statement shall be submitted annually to the Office of Student and School Performance. Documentation of input in the plans development by educators and parents as well as public notice prior to local board approval and locally-initiated revisions (including dates and locations) must be submitted.

1. Interim revisions: locally-initiated and state-mandated.

a. Resubmission of the local board approved pages is made to the DOE.

b. Signatures of the local school board president and superintendent are required.

c. The revisions are incorporated into the pupil progression plan at both the local and state level.

2. BESE shall certify that the plan includes the requirements for students promoted to high school in the career diploma pathway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001), LR 27:1517 (September 2001), LR 36:2002 (September 2010).

§307. Submission Process

A. Upon adoption for submission by the local school board, the plan along with a formal submission statement shall be submitted annually to the Office of Student and School Performance. Documentation of input in the plans development by educators and parents as well as public notice prior to local board approval and locally initiated revisions (including dates and locations) must be submitted.

1. Interim Revisions: Locally Initiated and State-Mandated

a. Resubmission of two copies of the local board approved pages is made to the Department of Education.

b. Signatures of the local school board president and superintendent are required.

c. The revisions are incorporated into the Pupil Progression Plan at both the local and state level

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 26:64 (January 2000), 27:1517 (September 2001).

Chapter 5. Placement Policies—General Requirements

§501. State Requirements

A. Each local pupil progression plan shall contain written policies relative to regular placement and alternatives to regular placement. Such policies must conform to the requirements of these policies and procedures.

B. Based upon local school board policy pursuant to these policies and procedures, each teacher shall, on an individualized basis, determine promotion or placement of each student. Local school board policies relative to pupil progression will apply to students placed in regular education programs as well as to exceptional students and to students placed in alternative programs. Placement decisions for exceptional students must be made in accordance with the least restrictive environment requirements of state and federal laws.

C. No school board member, school superintendent, assistant superintendent, principal, guidance counselor, other teacher, or other administrative staff members of the school

or the central staff of the parish or city school board shall attempt, directly or indirectly, to influence, alter, or otherwise affect the grade received by a student from his/her teacher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:414.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 3:2062 (October 2007), LR 36:2003 (September 2010).

§503. Regular Placement

A. Promotion—Grades K-12

1. Promotion from one grade to another for regular students and students with disabilities shall be based on the following statewide evaluative criteria.

a. Each plan shall include the school attendance requirements.

b. Each plan shall include the course requirements for promotion by grade levels.

c. Each plan shall include the requirements for entering the career diploma pathway, including the requirements listed below.

i. The plan shall include requirements for students promoted to the ninth grade career diploma pathway who have not met the LEAP promotional standard for entering the ninth grade. The requirements should include the following.

(a). The student must successfully complete the LEAP summer remediation program in the subject area of the component of the eighth grade LEAP test on which they scored at the *Unsatisfactory* level and must take the summer retest.

(b). The student must have achieved a minimum cumulative grade point average of 1.5 on a 4.0 scale for course work required for completion of the eighth grade.

(c). Acceptable Attendance Standards. For the 2009-2010 school year, students must meet the attendance requirements in the pupil progression plan. For 2010-2011 and following, students must meet the state minimum attendance requirements to be eligible to receive grades.

(d). Acceptable Behavior Standards. Students must meet the behavior requirements in the pupil progression plan.

(e). A student must participate in a dropout prevention and mentoring program during his first year in high school as approved by the BESE. Acceptable programs include research based dropout prevention programs such as Jobs for America's Graduates Multi-Year Program, Graduation Coach Program, or the school district may submit a proven effective, research-based dropout prevention and mentoring program other than the two listed above to the DOE for approval by BESE. All programs must include the following components:

(i). an academic catch up component to address the all area(s) of student deficiency;

(ii). an adult mentoring component with an emphasis on workforce awareness and readiness;

(iii). a work awareness and work readiness skills component;

(iv). a work-based learning component such as job shadowing/job exploration/paid internships.

ii. Every student who seeks to pursue a career diploma shall have the written permission of his/her parent or other legal guardian on the Career Diploma Participation Form after a consultation with the school guidance counselor or other school administrator. The student and parent must be informed of the advantages and disadvantages of the different diploma pathways. The signature of the student and parent or guardian indicates that a determination has been made that the pursuit of a career diploma is appropriate and in the best interest of the student. The school principal shall also sign the form acknowledging that appropriate counseling has taken place.

d. Each plan shall include other applicable requirements, including the High Stakes policy requirements for entering students in fifth or ninth grade.

B. Requirements for High School Students

1. Each plan shall include the following statements, that:

a. for incoming freshmen prior to 2010-2011, in addition to completing the required minimum number of 23 Carnegie units of credit as presented by BESE, the students must pass the required components of the Graduation Exit Examination (GEE) in order to receive a high school diploma;

b. for incoming freshmen in 2010-2011 and beyond, in addition to completing the required minimum number of Carnegie units of credits as presented by BESE, students must pass the required End-of-Course tests to receive a high school diploma;

c. any student who is at least 15 years of age or will attain the age of 15 during the next school year, who scored at least at the *Approaching Basic* level on either the English language arts or mathematics component of the eighth grade LEAP test, and meets the criteria established in the pupil progression plan of the LEA where the student is enrolled, may be promoted to the ninth grade for the purpose of pursuing a career diploma;

d. any student entering the ninth grade having scored *Unsatisfactory* in math or English on the eighth grade LEAP test on the eighth must enroll in and pass a high school remedial course approved by BESE in the *Unsatisfactory* subject (English language arts or mathematics) before earning Carnegie credit for any other English or mathematics course.

C. Retention—Grades K-12

1. Retention of a student shall be based upon the student's failure to meet the criteria established by local boards for promotion and other criteria contained in these policies and procedures.

D. Acceleration

1. Grades K-8

a. The local school board shall establish written policies and procedures for the placement of students who evidence that they will benefit more from the instructional program at an advanced grade level.

2. Grades 9-12

a. The local school board shall follow the policies and procedures established in *Bulletin 741—Louisiana Handbook for School Administrators*, and other local requirements for student acceleration.

E. Transfer Students

1. The local school board shall establish written policies for the placement of students transferring from all other systems and home schooling programs (public, nonpublic, both in and out-of-state, and foreign countries).

a. Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school (state approved and unapproved), any home schooling program or Louisiana resident transferring from any out-of-state school shall be required to pass the English language arts and Mathematics portions of the LEAP placement test.

b. Schools can only make recommendations to parents regarding student enrollment in kindergarten, since kindergarten is not mandatory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 2000), amended LR 26:1433 (July 2000), LR 26:1576 (August 2000), LR 27:188 (February 2001), LR 27:1006 (July 2001), LR 27:1682 (October 2001), LR 29:123 (February 2003), LR 30:407 (March 2004), LR 31:1974 (August 2005), LR 31:3103 (December 2005), LR 33:2063 (October 2007), LR 34:2389 (November 2008), LR 36:2003 (September 2010).

§505. Other Placement Requirements

A. Progression—Students Participating in LEAP Alternate Assessment (LAA1) or LEAP Alternate Assessment Level 2 (LAA2)

1. Students with disabilities who participate in the LEAP Alternate Assessments (LAA1 or LAA2) shall have promotion decisions determined by the School Building Level Committee.

B. Alternative Schools/Programs

1. The local school board may establish alternative schools/programs/settings which shall respond to particular educational need(s) of its students.

C. Review of Placement

1. Review of promotion and placement decisions may be initiated by the local school board, superintendent and/or parent or guardian.

2. Each local school board may adopt policies whereby it may review promotion and placement decisions in order to insure compliance with its local plan.

D. Due Process

1. Due process procedures for teachers, students, and parents shall be specified in each local pupil progression plan as related to student placement. The LEA must assure that these procedures do not contradict the due process rights of students with disabilities as defined in the IDEA-Part B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172 (November 2000), amended LR 26:1433 (July 2000), LR 27:189 (February 2001), LR 27:1683 (October 2001), LR 29:123 (February 2003), LR 30:409 (March 2004), LR 33:2063 (October 2007), LR 36:2004 (September 2010).

§507. Records and Reports

A. LEAs shall maintain permanent records of each student's placement, K-12. Each record shall be maintained as a part of the student's cumulative file.

B. Student records for the purposes of these guidelines shall include:

1. course grades;

2. scores on LEAP;

3. scores on local testing programs and screening instruments necessary to document the local criteria for promotion;

4. information (or reason) for student placement (see definition of *placement*);

5. documentation of results of student participation in remedial and alternative programs;

6. special education documents as specified in the approved IDEA-Part B, LEA application;

7. a copy of the letter informing the parent of either the placement of the student in or the removal of the student from a remedial program;

8. a statement regarding written notification to parent concerning retention and due process procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:189 (February 2001), LR 27:1683 (October 2001), LR 36:2004 (September 2010).

§509. Local Options

A. In addition to the statewide mandatory criteria for student placement, local school boards, by written local policies, may also establish local criteria to be used in determining student placement. Such criteria shall be compatible with the statewide criteria established in Chapter 5, §501 and shall be submitted to the LDE as part of the local pupil progression plan.

B. At the option of local school systems, the plans may include other factors to be considered in pupil placements.

C. In conjunction with the enumerated legislated policies and DOE directives, LEAs may include evaluative criteria in

their local pupil progression plans. If other criteria are used, the pupil progression plan must so specify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 36:2004 (September 2010).

§511. Legislative Guidelines

A. Local school systems are encouraged to develop local criterion-referenced testing programs for local assessment use.

B. Local criteria for K-12 must supplement the content standards approved by the BESE.

C. Local criteria must be coordinated with statewide curricular standards for required subjects, to be developed as part of the competency-based education plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17; R.S. 17:24.4; R.S. 17:391.7(G).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 36:2005 (September 2010).

§513. Local Testing Programs

A. Student scores on local testing programs may be used as additional criteria for determining pupil progression. Additional skills may be specified and tested for mastery at the local level as additional criteria for placement.

B. With reference to pupil placement, the local school system shall state the name of the instrument and publisher of other testing and screening programs to be used locally in grades K-12 for regular and exceptional students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 36:2005 (September 2010).

§515. Policies on Due Process

A. Due process procedures for teachers, students, and parents shall be specified in each local Pupil Progression Plan as related to student placement. The local school system must assure that these procedures do not contradict the due process rights of students with disabilities as defined in the IDEA-Part B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 27:189 (February 2001), LR 27:1683 (October 2001).

Chapter 7. High Stakes Testing Policy

§701. Promotion Standard

A. A student who is a first-time fourth or eighth grader must score at or above the *Basic* achievement level on the English Language Arts or Mathematics components of the LEAP and at or above the *Approaching Basic* achievement level on the other (hereafter referred to as the passing standard) to be promoted to the fifth or ninth grade.

1. Exceptional students participating in LEAP must be provided with accommodations as noted in the students' IEPs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010).

§703. Retention

A. The decision to retain a student in the fourth or eighth grade more than once as a result of his/her failure to achieve the passing standard on the English language arts and mathematics components of LEAP shall be made by the LEA in accordance with the local pupil progression plan which shall include the following.

B. LEAs shall provide a fourth grade transitional program for students meeting the minimum criteria.

1. The purpose of a fourth grade transitional program is to provide a class setting to students who have demonstrated the ability to benefit from a combination of intensive fourth grade remedial work and fifth grade regular coursework. Students in the transitional program may be able to progress to the sixth grade the following year.

2. Minimum criteria for placement into a fourth grade transitional program:

a. the student must score at the *Approaching Basic/Approaching Basic* achievement level on the English language arts and mathematics components of LEAP;

b. the student must have met all requirements for promotion from the fourth grade as outlined in the local pupil progression plan; and

c. the student must participate in both the summer remediation program offered by the LEA and the summer retest.

3. Minimum criteria for promotion to the sixth grade from a fourth grade transitional program:

a. the student must be provided remediation in the subject area(s) on which the student scored below *Basic* on LEAP as well as instruction in the fifth grade curriculum;

b. the student must score a minimum of *Basic/Approaching Basic* on English language arts and math and a minimum of *Approaching Basic/Approaching Basic* on the in science and social studies on the fourth grade LEAP; and

c. the student must have met all requirements for promotion from the fifth grade as outlined in the local pupil progression plan.

C. A student who has repeated the fourth grade and who is 12 years old on or before September 30 may be promoted according to the local pupil progression plan.

D. Students who are repeating the eighth grade due to failure to achieve the passing standard on the eighth grade LEAP may take high school courses except any in a content area in which they scored *Unsatisfactory* on the eighth grade LEAP. These students may be housed on a high school campus or a middle school campus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010).

§705. Supports for Students

A. Remediation

1. LEAs shall offer, at no cost, a minimum of 50 hours per subject of summer remediation and retest opportunities in English language arts and mathematics to students who did not take the spring LEAP tests or who failed to meet the passing standard. The LEA shall provide transportation to and from the assigned LEAP remediation summer site(s) from, at a minimum, a common pick-up point.

2. Students are not required to attend summer remediation to be eligible for the summer retest.

3. Student with disabilities attending summer remediation shall receive special supports as needed.

4. Students with disabilities who participate in LEAP Alternate Assessment, Level 1 (LAA1), are not eligible to attend the LEAP summer remediation programs.

5. Students with disabilities who participate in LEAP Alternate Assessment, Level 2 (LAA2), are eligible to attend LEAP summer remediation programs.

B. School Year Support

1. A parent/student/school compact that outlines the responsibilities of each party will be required for students in grades 3, 4, 7, and 8 who have been determined to be at risk of failing to achieve the passing standard, as well as for students who were retained in grades 4 or 8.

2. In order to move students toward grade level performance, LEAs shall design and implement additional instructional strategies for students in grades 3, 4, 7, and 8 who have been determined to be at risk of failing to achieve the passing standard, and for fourth and eighth grade students being retained. The purpose of the additional instructional strategies is to move the students to grade-level proficiency by providing the following:

a. focused instruction in the subject area(s) on which a student scored at the *Approaching Basic* and/or *Unsatisfactory* level on iLEAP;

b. focused remediation for those fourth and eighth grade students repeating the grade as a result of failing to achieve the passing standard in ELA and/or math on the LEAP;

c. ongoing instruction in the core subject areas using curricula based on state-level content standards and the grade-level expectations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010).

§707. Exceptions to High Stakes Policy

A. Mastery/Advanced Waiver. The LEA may waive the state policy for students scoring at the *Unsatisfactory* level in English language arts or mathematics, if the student scores at the *Mastery* or *Advanced* level in the other, provided that:

1. the decision is made in accordance with the local pupil progression plan, which may include a referral to the School Building Level Committee (SBLC);

2. the student has participated in both the spring and summer administrations of LEAP and has attended the summer remediation program offered by the LEA (the student shall participate in the summer retest only on the subject that he/she scored at the *Unsatisfactory* level during the spring test administration); and

3. parental consent is granted.

B. U/B Waiver—Eighth Grade. The LEA may waive the state policy for eighth grade students scoring at the *Unsatisfactory* level in English language arts or mathematics, if the student scores at the *Basic* level in the other, provided that the following criteria are met:

1. the student scored *Approaching Basic* or above on the science and social studies components of LEAP;

2. the student had an overall 2.5 grade point average on a 4.0 scale;

3. the student had a minimum 92 percent attendance during the school year;

4. the decision is made in accordance with the local pupil progression plan, which may include a referral to the School Building Level Committee (SBLC);

5. the student has participated in both the spring and summer administrations of LEAP and has attended the summer remediation program offered by the LEA (the student shall participate in the summer retest only on the subject that he/she scored at the *Unsatisfactory* level during the spring test administration); and

6. parental consent is granted;

7. if a student meets the criteria for this waiver, and is promoted with an *Unsatisfactory*, the student must enroll in and pass a high school remedial course in the *Unsatisfactory* subject before enrolling in or earning Carnegie credit for English or mathematics.

C. AB/AB Waiver—Eighth Grade. After the summer retest, an LEA, through its superintendent, may consider a waiver for an eighth grade student who has scored at the *Approaching Basic* level on both the English language arts and mathematics components of LEAP. The LEA may grant the waiver in accordance with the local pupil progression plan provided the following criteria are met.

1. The student has attended the LEAP summer remediation program offered by the LEA, and has taken the summer retest of the component(s) (English language arts and/or mathematics) on which the student scored *Approaching Basic* or below on the spring test.

D. **Twenty Point Appeal—Fourth Grade.** After the summer retest, an LEA, through its superintendent, may consider granting a waiver on behalf of individual students, provided that all of the following criteria have been met.

1. The student's highest score in English language arts and/or mathematics on either the spring or summer LEAP must fall within 20 scaled score points of the cutoff score for *Basic*.

2. The student shall have a 3.0 grade point average on a 4.0 scale in the subject(s) for which the appeal is being considered.

3. The student must have attended the LEAP summer remediation program and have taken the LEAP retest.

4. The student must have met state-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program

5. The principal and the SBLC must review student work samples and attest that the student exhibits the ability to perform at or above the *Basic* achievement level in the subject for which the appeal is being considered.

E. **LEP Waiver.** Limited English Proficient (LEP) students shall participate in statewide assessment. The SBLC shall be granted the authority to waive the state's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

F. Extenuating Circumstances Waiver

1. An LEA, through its superintendent, may grant a waiver on behalf of individual students who are unable to participate in LEAP testing or unable to attend LEAP summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation:

- a. a physical illness or injury that is acute or catastrophic in nature;
- b. a chronic physical condition that is in an acute phase;
- c. court-ordered custody issues.

2. Documentation

a. *Physical Illness*—appropriate documentation must include verification that the student is under the medical care of a licensed physician for illness, injury, or a chronic physical condition that is acute or catastrophic in nature. Documentation must include a statement verifying that the illness, injury, or chronic physical condition exists to the extent that the student is unable to participate in testing and/or remediation.

b. *Custody Issues*—certified copies of the court-ordered custody agreements must be submitted to the LEA at least 10 school days prior to summer remediation or retesting.

3. Student Eligibility/Retest Requirements

a. Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court-ordered custody category related to LEAP; and

b. who are unable to participate in both the spring and the summer administration of LEAP; or

c. who failed to achieve the passing standard on the spring administration of LEAP English language arts and mathematics tests and are unable to participate in LEAP summer retest:

i. shall take the Iowa Tests for grade placement within 10 school days of returning to school, which may include hospital/homebound instruction, in order to ensure the appropriate level of instruction;

ii. must score at or above the cutoff score on the selected form of the Iowa Tests for grade placement to be promoted to the fifth or ninth grade; and

iii. are not eligible for a retest. These students may be eligible for the other waivers in accordance with the local pupil progression plan;

d. students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court-ordered custody category related to LEAP; and

e. who are unable to participate in the spring testing and/or summer remediation, including the provision of remediation through hospital/home-bound instruction, are required to take the LEAP summer retest. These students may be eligible for the other waivers in accordance with the local pupil progression plan.

G. State-Granted Waiver

1. A local school superintendent, a parent or guardian, or the DOE may initiate a request for a state-granted waiver from the State Superintendent of Education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances.

2. The DOE will provide a report to BESE detailing state-granted waivers.

3. Documentation

a. *LEA Error*—the LEA superintendent or parent must provide the State Superintendent of Education with school- and student-level documentation detailing the error, how the error occurred, and how the error will be corrected so that it will not occur again in the future.

b. *Other Unique Situations*—documentation must be provided to the State Superintendent of Education detailing the unique situation and justifying why a waiver should be granted.

4. Testing/Promotion Decisions

a. The DOE will communicate to the LEAs the means for establishing promotional decisions for those students who have received a state-granted waiver.

H. Students with Disabilities

1. Students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA) participating in LEAP Alternate Assessment, Level 1 (LAA1) or LEAP Alternate Assessment, Level 2 (LAA2), shall have promotion decisions determined by the SBLC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2006 (September 2010).

Chapter 9. Regulations for the Implementation of Remedial Education Programs Related to the LEAP

§901. Preface

A. The regulations for remedial education programs approved by BESE provide for the development of local remedial education programs by local education agencies.

B. The DOE shall recommend for approval by the BESE only those local remedial education plans in compliance with these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 33:2063 (October 2007), LR 36:2007 (September 2010).

§903. Legal Authorization

A. R.S. 17:24.4(G) provides that those students who fail to meet required proficiency levels on the state administered criterion-referenced LEAP tests shall receive remedial education programs that comply with regulations adopted by BESE.

B. R.S. 17:394-400 is the established legislation for the remedial education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:394-400.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 36:2007 (September 2010).

§905. Definition and Purpose

A. Definition

Remedial Education Programs—local programs designed to assist students, including identified students with disabilities, to overcome their educational deficits identified as a result of the state's criterion-referenced testing program for grades 4 and 8 and the GEE.

B. Purpose

1. The purpose of the Louisiana Remedial Education Act is to provide supplemental funds for the delivery of supplemental remedial instruction adapted for those eligible students in the elementary and secondary schools of this state as set forth in the city and parish school board pupil progression plans. A program of remedial education shall be put into place by LEAs following regulations adopted by the

DOE and approved by BESE pursuant to R.S. 17:24.4. All eligible students shall be provided with appropriate remedial instruction.

2. The intent of remedial educational programs is to improve student achievement in the grade appropriate skills identified as deficient on the state's criterion-referenced testing program for grades 4 and 8 and the GEE.

3. Beginning in the summer of 2006, remediation in the form of summer school shall be provided to both fourth and eighth grade students who score at the *Approaching Basic* or *Unsatisfactory* level on the LEAP English language arts and/or mathematics tests. Summer remediation shall consist of a minimum of 50 hours of instruction per subject.

4. Remediation shall be provided to students who score at the *Unsatisfactory* level on the LEAP science and social studies tests.

5. Remediation is recommended for fourth and eighth grade students who score at the *Approaching Basic* level on the LEAP science or social studies tests.

6. Beyond the goal of student achievement in grade appropriate skills, additional goals are to give students a sense of success, to prevent alienation from school, and to prevent their early departure from school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:395; R.S. 17:396; R.S. 17:397.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2173 (November 1999), amended LR 28:1189 (June 2002), LR 30:409 (March 2004), LR 31:1975 (August 2005), LR 33:2063 (October 2007), LR 36:2007 (September 2010).

§907. Responsibilities of BESE

A BESE shall perform the following functions in relation to the remedial education program:

1. approve as a part of the *Pupil Progression Policies and Procedures* (Bulletin 1566) the regulations for development of local remedial education programs designed to meet student deficiencies as identified through LEAP in English language arts, written composition, mathematics, social studies and science for the GEE and English language arts, mathematics, science and social studies for LEAP;

2. approve remedial education programs submitted by LEAs as a part of their local pupil progression plan;

3. approve qualifications/certification requirements for remedial education teachers;

4. receive from the DOE an annual evaluation report on local remedial education programs that meet the requirements of R.S. 17:400(B);

5. approve the evaluation criteria developed by the DOE for determining the effectiveness of remedial education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:398; R.S. 17:399; R.S. 17:400.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2174 (November 1999), amended LR 33:2064 (October 2007), LR 36:2008 (September 2010).

§909. State Funding of Remedial Education Programs

A. Remedial education funds shall be appropriated annually within the Minimum Foundation Program (MFP) formula.

B. State remedial education funds shall be distributed to the parish and city school boards according to the distribution process outlined within the Minimum Foundation Program.

C. State funds for the remedial education program shall not be used to supplant other state, local, or federal funds being used for the education of such students. A plan for coordination of all state, local and federal funds for remediation must be developed by each LEA.

D. The use of state remedial education funds shall not result in a decrease in the use for educationally deprived children of state, local, or federal funds which, in the absence of funds under the remedial education program, have been made available for the education of such students.

E. For funding purposes, a student receiving remediation in English language arts, mathematics, social studies and/or science, shall be counted for each area in which remediation is needed for the GEE and for English language arts and mathematics for LEAP.

F. Students in the remedial education program are also included in the student membership count for MFP funding purposes.

G. The remedial education program shall be coordinated with locally funded and/or federally funded remedial education programs, but shall remain as a separate remedial program.

H. If the DOE determines through its monitoring authority that an LEA is not actually providing the type of remedial education program that was approved through its pupil progression plan or is not complying with state evaluation regulations, the DOE shall recommend appropriate action until such time as it is determined that the LEA is in compliance with its approved pupil progression plan and with state evaluation regulations.

I. The state and local funds expended in the program shall be included in the instructional parameters for each city or parish school board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:398; R.S. 17:399.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2174 (November 1999), amended LR 33:2064 (October 2007), LR 36:2008 (September 2010).

§911. Criteria for State Approval**A. Student Eligibility**

1. Any public elementary or secondary student, including a student with a disability participating in LEAP who does not meet the performance standards established by the DOE and approved by BESE, as measured by the state criterion-referenced tests, shall be provided remedial education.

2. The failure of students with disabilities to achieve performance standards on the state criterion-referenced tests does not qualify such students for special education extended school year programs.

B. Teacher Qualifications

1. Remedial teachers shall possess the appropriate certification/qualifications as required by BESE.

2. LEAs may employ an instructional paraprofessional under the immediate supervision of a regularly certified teacher to assist with the remediation. Paraprofessionals must have all of the following qualifications:

a. must be at least 20 years of age;

b. must possess a high school diploma or its equivalent; and

c. must have taken a nationally validated achievement test and scored such as to demonstrate a level of achievement equivalent to the normal achievement level of a tenth grade student.

3. LEAs may employ educators already employed as regular or special education teachers to provide remedial instruction. These educators may receive additional compensation for remedial instruction, provided the services are performed in addition to their regular duties.

C. Program Requirements**1. Student Profile**

a. The Remedial Education Student Profile for the LEAP GEE, provided by the DOE shall be used by the LEA for providing remediation for each eligible student.

2. Coordination with Other Programs

a. The school system shall assure that coordination and communication occur on a regular basis among all who provide instruction for a student receiving remedial instruction.

3. Instruction

a. For the GEE, remediation shall be provided in English language arts, mathematics, science, and social studies. Students shall be offered 50 hours of remediation each school year in each content area they do not pass.

b. Beginning in the summer of 2006, remediation in the form of summer school shall be provided to both fourth and eighth grade students who score at the *Approaching Basic* or *Unsatisfactory* level on the LEAP English language arts and/or mathematics tests. Summer remediation shall consist of a minimum of 50 hours of instruction per subject.

c. Remediation shall be provided to students who score at the *Unsatisfactory* level on the LEAP science, and social studies tests.

d. Remediation is recommended for fourth and eighth grade students who score at the *Approaching Basic* level on the LEAP science or social studies tests.

e. Instruction shall include but not be limited to the philosophy, the methods, and the materials included in the Louisiana Comprehensive Curriculum or local curricula that

are based upon Louisiana content standards in mathematics, English language arts, science and social studies.

f. Remedial methods and materials shall supplement and reinforce those methods and materials used in the regular program.

g. Each student achieving mastery criteria shall continue receiving instruction for maintenance of grade appropriate skills. The amount of instruction shall be based upon student need.

D. Student Assessment

1. The LEAs shall develop, as part of their pupil progression plans, mastery criteria based on the Louisiana content Standards, Grade-Level Expectations (GLEs), and local curricula based on these standards and GLEs.

2. For the GEE these mastery criteria shall be used in determining the extent of student achievement in those grade appropriate skills in English language arts, written composition, mathematics, social studies, and/or science in which he/she was found deficient.

3. For LEAP, these mastery criteria shall be used in determining the extent of student achievement in those grade appropriate skills in English language arts, mathematics, science and social studies.

4. LEAs shall describe the methods used to measure student achievement of these criteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:395; R.S. 17:397; R.S. 17:398.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:189 (February 2001), LR 30:409 (March 2004), LR 31:1975 (August 2005), LR 33:2064 (October 2007), LR 36:2008 (September 2010).

§913. Local Program Development and Evaluation

A. Each LEA shall develop annually a remedial education program as part of its pupil progression plan, which complies with the established regulations adopted by the DOE and approved by BESE pursuant to R.S. 17.24.4.

B. The remedial education plan shall describe all remedial instruction and proposals for program improvement. Proposals shall include a narrative that shall incorporate the following:

1. program objective;
2. student population to be served and the selection criteria to be used;
3. methodologies, materials, and/or equipment to be used in meeting the remediation needs;
4. brief description of the remedial course;
5. plan for coordination of state, federal, and local funds for remediation;
6. procedure for documenting student's and parent(s) refusal to accept remediation;
7. evaluation plan encompassing both the educational process and the growth and achievement evidenced of students.

C. The remedial program shall be based on performance objectives related to educational achievement in grade appropriate skills addressed through the statewide content standards for required subjects, and shall provide supplementary services to meet the educational needs of each participating student.

D. Each LEA shall adhere to the remedial education plan as stated in its approved pupil progression plan and shall provide services accordingly.

E. Each LEA shall include within the remedial education plan a summary of how state, federal, and local funds allocated for remediation have been coordinated to ensure effective use of such funds.

F. Each LEA shall maintain a systematic procedure for identifying students eligible for remedial education.

G. Each LEA shall offer remediation accessible to all students. Refusal to accept remediation by student and parent(s) must have written documentation signed by student and parent(s).

H. A list of all students eligible for remediation shall be maintained at the central office level with individual school lists maintained at the building level.

I. Each LEA shall participate in the evaluation of the Remedial Education Program conducted by the DOE.

J. Evaluation

1. Each LEA shall complete an annual evaluation of its program, using the approved DOE guidelines, and shall submit the evaluation report to the State Superintendent by July 15 of each year. The evaluation plan shall include specific means to examine and document:

- a. student performance;
- b. coordination with other programs;
- c. instruction.

2. The evaluation shall be conducted as described in the local evaluation plan.

K. Annually, prior to October 15, each LEA shall report to the public the results of its efforts to provide a remedial education program and the results of the monitoring review submitted by the State Superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:395; R.S. 17:397; R.S. 17:399; R.S. 17:400.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2175 (November 1999), amended LR 27:190 (February 2001), LR 36:2009 (September 2010).

§915. State Department of Education Responsibilities

A. The DOE shall be responsible for reviewing plans, monitoring implementation, and evaluating the remedial education programs of the LEA.

B. The State Superintendent of Education shall prepare an annual report for submission to the BESE and the Joint Committee on Education of the Louisiana Legislature which shall contain:

1. the number of students participating in remedial education programs; and
2. the level of student achievement.

C. The DOE shall provide guidelines for local evaluation of programs, shall review the local evaluation plans, shall monitor the implementation of remedial education plans, and shall receive and approve evaluation reports.

D. Within 60 days of receipt of the evaluation report from the local school system, the DOE shall submit to each local school system an analysis of the system's evaluation report and the DOE's monitoring results (Board Policy).

E. The DOE shall provide technical assistance to the city and parish school boards which shall include:

1. assistance with development of the remedial section of the pupil progression plan;
2. assistance with staff development;
3. assistance with the use of appropriate department forms;
4. assistance with program implementation; and
5. assistance with conducting local evaluations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:400.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 36:2010 (September 2010).

Chapter 11. Appendix A

§1101. Definition of Terms

A. As used in this bulletin, the terms shall be defined as follows.

1. State Terms

Acceleration—advancement of a pupil at a rate faster than usual in or from a given grade or course. This may include "gifted student" as identified according to Bulletin 1508.

Alternate Assessment—the substitute way of gathering information on the performance and progress of students with disabilities who do not participate in typical state assessments.

Alternative to Regular Placement—placement of students in programs not required to address the State Content Standards.

Content Standards—statements of what we expect students to know and be able to do in various content areas.

LEAP Summer Remediation Program—the summer school program offered by the LEA for the specific purpose

of preparing students to pass the LEAP summer retest in English language arts, or mathematics.

Louisiana Educational Assessment Program (LEAP)—the state's testing program that includes the grades 3, 5, 6, 7 and 9 Louisiana Norm-referenced Testing Program; the grades 4 and 8 Criterion-referenced Testing Program including English language arts, mathematics, social studies and science and the Graduation Exit Examination (English language arts, mathematics, written composition, science and social studies).

Promotion—a pupil's placement from a lower to a higher grade based on local and state criteria contained in these Guidelines.

Pupil Progression Plan—the comprehensive plan developed and adopted by each parish or city school board which shall be based on student performance on the Louisiana Educational Assessment Program with goals and objectives which are compatible with the Louisiana competency-based education program and which supplement standards approved by BESE. A pupil progression plan shall require the student's proficiency on certain test as determined by BESE before he or she can be recommended for promotion.

Regular Placement—the assignment of students to classes, grades, or programs based on a set of criteria established in the pupil progression plan. Placement includes promotion, retention, remediation, and acceleration.

Remedial Programs—programs designed to assist students including students with disabilities and Non/Limited English Proficient (LEP) students, to overcome educational deficits identified through the Louisiana Education Assessment Program and other local criteria.

Remediation—see *remedial programs*.

Retention— nonpromotion of a pupil from a lower to a higher grade.

2. Local Terms

a. The definition of *terms* used in a local school system plan must be clearly defined for use as the basis for interpretation of the components of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 27:190 (February 2001), LR 31:1976 (August 2005), LR 33:2064 (October 2007), amended LR 36: 2010 (September 2010).

