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## Title 28 EDUCATION

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# Title 28 EDUCATION

## Part CLI. Bulletin 132—Louisiana Course Choice Program

### Chapter 1. General Provisions

#### §101. Purpose, Scope, and Effect

A. The purpose of this bulletin is to provide rules to govern the implementation of R.S. 17:4002 et seq., the “course providers” (hereafter, the “Course Choice Program”).

B. This bulletin is established to set forth the requirements for participating in the Course Choice Program, the principles and requirements of authorizing a course provider, the student funding structure, and the implementation of and enactment of regulatory requirements that must be met in the operation of the Course Choice Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012).

#### §103. Definitions

*Course Provider*—an entity that offers individual courses in person or online, including but not limited to online or virtual education providers, postsecondary education institutions, including any postsecondary institution under the management of the Board of Supervisors of Community and Technical Colleges, “educational entrepreneurs” (teachers or groups of teachers) with proven track records of successful instruction, and business and industry that offer vocational or technical course work in their fields, and have been authorized to provide such courses by the State Board of Elementary and Secondary Education (BESE).

*Eligible Funded Student*—any student who resides in Louisiana and meets one of the following criteria:

1. is attending a public elementary or secondary school; and
2. has obtained approval from the local superintendent or other person designated by the governing authority of the school which he attends to enroll in a course in this program.

*Eligible Participating Student*—any student who resides in Louisiana and meets one of the following criteria:

1. is a scholarship recipient as defined in R.S. 17:4013 attending a participating school in accordance with R.S. 17:4011 through 4025;
2. is attending a nonpublic school that is approved, provisionally approved, or probationally approved by the state board pursuant to R.S. 17:11; or

3. is enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 40:2518 (December 2014).

#### §105. Purpose of Course Choice Program

A. The Course Choice Program was enacted by the Louisiana Legislature so that all Louisiana school children have access to the type and format of education that best meets the needs of the individual student. Each student has different needs that merit a variety of course choices on the individual student level, and that the state has the right, responsibility, duty and obligation to accomplish the objective of a quality, individualized education for all Louisiana children.

B. Course providers can offer a quality, individualized education to students, and it is in the public interest to offer students the means of accessing the educational opportunities offered by course providers by providing students with the public funds allocated to them from local and state sources to enroll in such courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2-4002.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012).

### Chapter 3. Course Choice Authorizers

#### §301. Course Choice Program Authorization

A. BESE shall authorize the operation and eligibility of course providers to participate in the Course Choice Program. BESE shall determine:

1. whether each proposed course provider complies with the applicable law and rules;
2. whether a proposal is valid, complete, financially well-structured, and educationally sound;
3. whether a proposal provides a plan for collecting data in accordance with R.S. 17:3911; and
4. whether a proposal offers potential for increased learning opportunities and access to quality education for all Louisiana students.

B. BESE shall provide for an independent evaluation of course choice provider proposals by a third party with educational, organizational, legal, and financial expertise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 4002.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014).

**§303. BESE Duties Relating to Course Choice Program**

A. BESE, as the authorizer of the Course Choice Program, shall implement a comprehensive application for course providers that will include, at a minimum, the following:

1. a plan for the administration of state assessments as required by the school and district accountability system, except to students as defined by R.S. 17:4002.3(2)(c);

2. the parishes or local education authority (LEA) in which the course provider will operate;

3. proposed courses offered, alignment of the courses by the course provider with the requirements of R.S. 17:24.4, and the designated length of each course offered within a window established by the Louisiana Department of Education (LDE);

4. alignment of the courses offered by the course provider with any type of approved Louisiana diploma, including the college and career diploma, the career diploma, and diplomas from approved nonpublic schools and home school programs;

a. BESE will focus the selection process on the following:

i. core academic subject offerings;

ii. career and technical education (CTE) course offerings, including internships and apprenticeships, that tie directly to current and future workforce needs of Louisiana as defined by the Louisiana Workforce Commission in its most recent jobs forecast and lead to industry-based certifications; and

iii. college credit course offerings (either Advanced Placement/IB credit or "dual enrollment" college credit);

5. alignment of CTE courses, offered by the course provider, to work-based learning required standards as outlined in Bulletin 741, LAC 28:CXV.3113;

6. assurances that the course provider shall, to the best of its ability, collaborate and coordinate with the LEA in which an eligible funded student or eligible participating student is enrolled full time;

B. BESE shall maintain a course catalog for all courses offered and shall timely update the catalogue, a minimum of once a year, prior to the beginning of each school year.

C. BESE shall provide for common course numbering of all courses listed in the course catalog and for determining whether courses are in compliance with R.S. 17:24.4. For courses offered by postsecondary education institutions that

are authorized course providers, the state board shall consult with the Board of Regents.

1. BESE shall include in the course catalog any course offered for dual enrollment by a Louisiana public institution of postsecondary education with no requirement for course approval by BESE or the LDE, provided the course meets the Carnegie unit requirements for graduation.

D. BESE shall provide for a reciprocal instructor certification process for instructors who reside in other states but who are employed by authorized course providers and teach virtual education courses to satisfy the state certification requirements pursuant to R.S. 17:7.1.

E. BESE shall monitor and evaluate the course provider in accordance with BESE-established performance expectations. Student achievement shall be the predominant criterion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014).

## Chapter 5. Course Providers

### §501. General Provisions

A. Any entity who wishes to become a course provider must apply through the course choice authorization process and adhere to all standards outlined in a signed agreement between the state board and the provider.

B. All course providers must be in compliance with all applicable state and federal laws, rules, and regulations in regards to the proposed curriculum, and have the ability to serve students with disabilities, students who are English language learners, students who are academically behind, and gifted students.

C. The characteristics of a quality course provider include:

1. understanding Louisiana's standards for required course content (structure, materials, evaluation / accountability components, etc.) and reflecting this understanding in their application package and proposed course materials;

2. understanding and embracing Louisiana's commitment to educate all its children, including special needs children, and reflecting this understanding by including special education components in their application packages and proposed course materials;

3. maintaining the financial strength and human capital depth to offer properly staffed and properly designed course offerings, making them available to the broadest possible cross-section of Louisiana students;

4. recognizing and addressing the varied educational challenges Louisiana faces, with course offerings that effectively address one or more of the Course Choice Program goals;

5. emphasizing a commitment to accountability through:

- a. rigorous, clear and measurable standards for student achievement in each course;
- b. effective and timely reporting on student performance levels;
- c. utilizing standard state, regional or national academic assessment systems or industry certifications; and
- d. clear standards for measuring and reporting on their own course performance;

6. maintaining a commitment to the long-term vision driving the Course Choice Program—preparing Louisiana’s students to obtain post-secondary degrees and high-quality, high-paying twenty-first century jobs.

D. All Course Choice Program course providers must agree to and have a plan to service students with special needs through instruction, materials, and/or technology. All eligible participating students with an individual education plan (IEP) will be entitled to special education services through the school in which he/she is enrolled including, but not limited to, assisting course providers in implementing the accommodations within the IEP.

E. All Course Choice Program providers will adhere to the uniform grading policy established in Bulletin 741, §2302 for students enrolled in all grades K-12 for which letter grades are used. Business and industry providers will provide for credits for students seeking to obtain the career diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014).

**§503. Course Provider Curriculum**

A. All course providers shall:

- 1. support the state content standards, common core state standards, and CTE course guidelines as applicable;
- 2. supply course content that is designed to meet the following criteria:
  - a. based on current perspectives of learning theories and curriculum standards;
  - b. systematic in design, clearly written and revised based on student performance and feedback;
  - c. uses appropriate presentation methods, media and pedagogy;
  - d. engages students in a variety of learning activities based on various learning styles; and
  - e. accommodates individual differences, including student disabilities;
- 3. ensure that all course content complies with copyright fair use laws;

4. ensure all students enrolled in a course are provided the necessary course materials related to the course content by the provider; and

5. ensure that all courses offered for dual enrollment post-secondary credit meet the standards and grade-level expectations of the high school course for which the student is receiving credit and meet the standards for college credit as established by the Louisiana Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014).

**§505. Course Provider Instructional Staff**

A. Each course provider shall establish by regulation, requirements and procedures consistent with R.S. 17:15 and R.S. 15:587.1, through which it may request information from the Louisiana Bureau of Criminal Identification and Information necessary to ascertain whether an employee, or applicant for employment as a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a course provider to provide such services, has been arrested for, convicted of, or pled nolo contendere to, any criminal offense.

1. The regulation shall include the requirement and the procedure for the submission of a person’s fingerprints on a form acceptable to the bureau.

2. The request for information necessary to determine whether a person has been arrested for, convicted of, or pled nolo contendere to, any criminal offense must be on a form prepared by the bureau and must be signed by a responsible officer or official of the provider making the request.

3. It must include a statement signed by the person about whom the request is made which gives permission for such information to be released and must include the person's fingerprints in a form acceptable to the bureau.

4. A person whose fingerprints have been submitted to the bureau may be temporarily hired pending the report from the bureau.

B. No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall be allowed to instruct/interact with students as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services unless approved in writing by a district judge of the parish and the district attorney.

1. This statement of approval shall be kept on file at all times by the course provider and shall be produced upon

request to any law enforcement officer, BESE, or LDE staff member.

2. Not later than 30 days after its being placed on file with the course provider, the course provider shall submit a copy of the statement of approval to the state superintendent of education.

C. Instructional staff for Course Choice course providers must hold a baccalaureate degree from an accredited university in the subject area in which they are offering instruction. Course providers may also use industry personnel to provide instruction as long as these industry personnel meet CTTIE (career and technical trade industrial education) guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:15, R.S. 17.7, R.S. 17.1, and R.S. 17:4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014).

### **§507. Online Course Providers**

A. The online course provider will follow the International Association for K-12 Online Learning (iNACOL) *National Standards for Quality Online Courses*.

B. The course provider will ensure that all instructors are evaluated and delivering instruction in accordance with the iNACOL *National Standards for Quality Online Teaching*.

C. The online course provider will maintain a program that is in alignment with the International Association for K-12 Online Learning (iNACOL) *National Standards for Quality Online Programs*.

D. The course provider must have a staff/instructor acceptable use policy for technology that complies with R.S. 17:3996(21).

E. The course provider must provide an electronic communication policy that complies with the federal Child Internet Protection Act and R.S. 17:100.7, including information on internet safety practices and policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014).

## **Chapter 7. Local Educational Authority Duties**

### **§701. Local Educational Authority (LEA) Duties**

A. Each LEA shall establish policies and procedures whereby each eligible funded student may be granted approval to enroll in a course in this program, and which shall also provide for the following:

1. determination of whether a requested course is academically appropriate for the student;

2. credits earned through the course provider shall appear on each such student's official transcript and count

fully towards the requirements of any approved Louisiana diploma;

3. BESE state assessments as required by the school and district accountability system shall be administered to each student;

4. all services to which each student would be entitled if attending the school in which he is enrolled full time for all courses, including but not limited to special education services pursuant to the student's individual education plan, shall be provided; and

5. each LEA that provides transportation for students within their jurisdiction shall also provide students participating in course choice transportation services within the same jurisdiction during normal school business hours.

B. Each LEA shall make available to all students the course catalog as provided by BESE during the annual course enrollment process for that LEA.

C. No LEA shall actively discourage, intimidate, or threaten an eligible funded student or an eligible participating student during the course enrollment process or at any time for that LEA.

D. The aggregate test scores of students identified in R.S. 17:4002.3(2)(a)-(b) and (3)(a) who are enrolled in a course shall be counted in the school performance score for the school in which the student is enrolled full time. The test scores shall be reported to and published by the state Department of Education for each course provider in an easy to understand format and on the department's website.

E. Each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) shall enroll in at least one course at the school in which the student is enrolled full time.

F. Enrollment of children in course work offered by course providers is in compliance with the objectives of Louisiana's compulsory attendance law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014).

### **§703. Local Education Authority Procedures for Student Enrollment**

A. All schools must exercise flexibility in scheduling to accommodate course choice options.

B. If an eligible funded student enrolls in an online course where the course is administered at the school site, the school or LEA shall meet the following requirements related to the online course environment.

1. The school/LEA shall provide students enrolled in online courses technical access which meets specifications furnished by the course provider.

2. The school/LEA shall provide instructional and communication hardware which meets specifications furnished by the course provider.

3. The school/LEA shall provide timely and appropriate technical support.

4. The school/LEA shall award credit and grades for the online courses assigned by the course provider and instructor with no deviations.

5. The school/LEA shall ensure that a facilitator who is a Louisiana licensed teacher or LEA employed paraprofessional is assigned to students to act as a liaison between the provider and the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S.17: 4002.5.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:3127 (December 2012).

## Chapter 9. Parental/Guardian Duties

### §901. Parental/Guardian Duties

A. All parents/guardians shall work in conjunction with the student's school in which they are enrolled to ensure that the student has the necessary course prerequisites for each course taken through the Course Choice Program. Parents/guardians shall also consult with the school to ensure that the student is taking the necessary courses required to meet grade-level promotion or graduation requirements.

B. Parents/Guardians of an eligible participating student (i.e., non-funded students) as outlined in R.S. 17:4002.3(2)(a)(b)(c) are responsible for all tuition costs as determined by the course provider and outlined in R.S. 17:4002.6 (course provider funding).

C. If a student is taking an online course through the Course Choice Program and elects to take the course offsite, the parent/guardian must:

1. ensure that the student is actively engaged in his/her course on a daily basis;

2. monitor student progress in the course in conjunction with the course provider, and facilitate communication in regards to student progress in the online course;

3. adhere to course provider practices in regards to ethical and legal use of equipment and instructional resources;

4. provide the students enrolled in online courses with technical/Internet access that meet the specifications furnished by the course provider; and

5. provide all equipment necessary for the student in an online course, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012).

## Chapter 11. Course Choice Program Funding

### §1101. Program Funding

A. The following guidelines shall be used to establish funding procedures for the Course Choice Program.

1. The course provider shall receive a course amount for each eligible funded student as approved by BESE.

B. The course provider may charge tuition to any eligible participating student in an amount approved by the LDE.

C. The following guidelines shall be used in regards to the payments made to the course provider.

1. Fifty percent of the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course and fifty percent shall be paid upon course completion according to the published course length.

2. After the initial payment, if a student does not complete a course according to the published course length, and the course provider has received the first payment pursuant to Paragraph 1 of this Subsection, the course provider shall receive an additional 40 percent of the course amount as provided in Subsections A and B of this Section, provided the student completes the course and receives credit for the course prior to leaving school pursuant to R.S. 17:221 or graduating from high school.

a. The state shall disburse any funds allocated, appropriated, or otherwise made available for the purposes of this program to each city and parish public school system and other public school.

b. Any such funds below 90 percent of each LEA's allocated funds that are not committed for use by the school system or other public school shall be subject to reallocation to another public school system or other public school for the purposes of this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 40:2520 (December 2014).

## Chapter 13. Provider Evaluation

### §1301. Provider Evaluation

A. BESE shall monitor and evaluate the course provider in a manner in which student achievement is the predominant criterion.

1. The initial authorization of the course provider shall be for a period of three years. After the second year of the initial authorization period, the state board shall conduct a thorough review of the course provider's activities and the academic performance of the students enrolled in courses offered by the course provider in accordance with the school and district accountability system. If the performance of the students enrolled in courses offered by the course provider pursuant to the school and district accountability system

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does not meet performance standards set by BESE. BESE shall place the course provider on probation.

2. After the initial three-year authorization period, BESE may reauthorize the course provider for additional periods of not less than three years nor more than five years after thorough review of the course provider's activities and the achievement of students enrolled in courses offered by the course provider.

3. Reauthorization and sustained participation in the program relative to student performance will be based on:

a. academic achievement—course providers demonstrate and sustain a proven track record of student success on exams (e.g. EOC, AP, etc.);

b. student career achievement—course providers who support students to achieve rigorous IBCs and/or job placement in their targeted occupation;

c. course pathways—course providers develop a series of thematically-linked course offerings that

progressively help students achieve personal academic and/or career goals.

4. Providers must show positive student academic gain with proven assessment methods for each course offering.

Type of Course	Proven Assessment Methods
Core Academic	Standard Louisiana-approved EOC (end-of-course) exams, if available other end-of-course exams tied to applicable Louisiana-approved course guidelines
Career and Technical	Recognized state/ national IBCs (industry-based certifications) based on proven methods Example: NCCER (National Center for Construction Education and Research)
College Credit	Successful AP/IB examination performance Approved assessment method using a proven college-level EOC exam/exercise

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3128 (December 2012), amended LR 40:2520 (December 2014).