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## Title 28 EDUCATION

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# Title 28 EDUCATION

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### Chapter 1. General Provisions

#### §101. Definitions

*Accommodation*—strategies, tools, or adjustments to the educational environment that facilitate equal access to instruction and instructional content for students with disabilities. Accommodations do not alter the rigor, expectations, requirements, or content of the curriculum, learning task, or assessment measures.

*Assessment*—the act or systematic process of using a wide variety of methods or tools to evaluate, measure, and document the academic readiness, learning progress, skill acquisition, or educational needs of students in order to improve student learning.

*At-Risk*—a classification of scores falling within a certain range on a screening measure that indicates a student may have difficulties with grade-level tasks and that additional, targeted instructional support is necessary.

*Dyslexia*—an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, the appreciation of the individual sounds of spoken and written language, which affects the ability of an individual to speak, read, and spell.

*Evaluation*—the in-depth process, in accordance with LAC 28:CI, *Bulletin 1508*, used by qualified personnel in the review, examination, and interpretation of intervention efforts, test results, interviews, observations, and other assessment information to gather relevant functional, developmental, and academic information that may assist in determining whether a student has an exceptionality and the nature and extent of the special education and related services.

*Expressive Language*—the act of conveying information through writing, speaking, or gesturing.

*Fluency*—reading words at an adequate rate, with high levels of accuracy, rate, and with appropriate expression.

*IDEA*—Individuals with Disabilities Education Act (Public Law 105-17), also referred to as the special education statute. The federal regulation is designed to provide a free appropriate public education (FAPE) to eligible children with disabilities and ensure special education and related services to those children.

*Linguistics*—the science of language, including phonology, morphology, syntax, and semantics.

*Morphology*—the study of words and how they are formed.

*Phoneme*—the smallest unit of sound capable of signaling semantic distinction or meaning (e.g./sh/, /i/, /p/).

*Phoneme Manipulation*—dropping, adding, or moving phonemes to create new words or detached syllables.

*Phoneme Segmentation*—the ability to separately articulate the sounds of a spoken word in order.

*Phonemic Awareness*—the ability to hear and manipulate sounds in spoken words and understand that syllables can be divided into a sequence of phonemes, which is one aspect of the larger category of phonological awareness.

*Phonics*—method of instruction that teaches the systematic relationship between letter and letter combinations in written language and the individual sounds in spoken language and how to use these relationships to read and spell words.

*Phonological Awareness*—an understanding that words are made up of individual speech sounds as distinct from word meaning and that those sounds can be manipulated.

*Phonology*—the study of the speech sounds of a language and the underlying rules of usage.

*Rapid Automatic Naming (RAN)*—the ability to rapidly name visually presented stimuli such as colors, objects, numbers, and letters.

*Receptive Language*—the act of understanding information by listening, reading, or gesturing.

*Screening*—a quick procedure designed to identify individuals who demonstrate a greater probability of having a specific condition and may receive supplemental intervention services or be referred for more in-depth assessment.

*Section 504 of the Rehabilitation Act of 1973*—federal law found at 29 U.S.C. Secs. 706(7), 794, 794a, 794b. "No otherwise qualified disabled individual...shall, solely by the reason of his/her handicap, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

*Semantics*—the study of word and phrase meanings.

*Syntax*—the study of how sentences are formed and of the grammatical rules that govern sentence formation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

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**§103. Local Education Agency (LEA) Responsibilities**

A. When considering dyslexia, LEAs shall assign school personnel trained in the identification of dyslexia to oversee student screening, assessment, and evaluation for determination of program eligibility.

B. For students with dyslexia, LEAs shall implement an evidence-based multisensory structured language and literacy instructional approach with a program that includes instruction that utilizes all learning pathways in the brain, including visual/auditory and kinesthetic/tactile, simultaneously to enhance memory and learning. Instruction should be explicit, systematic, sequential, cumulative, individualized, and diagnostic and should include automaticity of performance, simultaneous multisensory activities, and synthetic analytic phonics and in accordance with state and federal requirements.

C. No later than December 15 annually, LEAs shall submit a report to the LDOE relative to the occurrence of dyslexia. The report shall include numbers of students of all grade levels:

1. identified as having dyslexia through a Section 504 plan;
2. initially identified as having dyslexia the previous year;
3. identified with an IEP as having a specific learning disability, dyslexia; and
4. total number identified as having dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 392.1 and 392.3.

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**§105. School Level Responsibilities**

A. School leaders shall select a School Building Level Committee (SBLC) composed of members knowledgeable of student data, assessment processes, and dyslexia to determine if a student is at-risk. SBLC members shall use information from teachers and parents or guardians, screening data, intervention data, performance based tasks, and/or written assignments indicating below grade-level performance deficits in basic reading skills to guide decision making.

B. SBLC members on committees reviewing data for a student who is identified as at-risk for reading difficulty, which includes indicators of dyslexia, shall include, but are not limited to:

1. a teacher of student identified for review;
2. a speech-language pathologist, educational diagnostician, dyslexia practitioner, dyslexia therapist, and/or a person trained in the identification of dyslexia;
3. a principal or their designee; and

4. the referring teacher.

5. A parent or guardian shall be an invited participant in discussions regarding their child's difficulties.

C. School leaders shall appoint a chairperson of the committee who is tasked with data collection, maintenance of records, scheduling and planning meetings, monitoring progress, obtaining necessary consent, and disseminating information to the committee members, educators, and parents.

D. Professional development shall be provided regarding the identification of dyslexia, state and federal regulations regarding dyslexia, the characteristics of dyslexia, and LEA policies for implementation of the assessment and program process.

E. Educator training shall include information necessary to implement specialized research-based, multi-sensory language instructional interventions and strategies for students with dyslexia.

F. Students identified with skills below grade level shall receive interventions and a reading improvement plan.

G. Screening Results. If screening results indicate that a student is at-risk for dyslexia,

a. the parent or guardian shall be notified within thirty days of the results of the screening; and

b. the school shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:1153 (August 2024).

**§107. School Building Level Committee (SBLC) Responsibilities**

A. Request for SBLC review from a parent or educator or at-risk screening data shall initiate the preliminary gathering of data to assist in addressing the educational progress of a student who is consistently struggling or having difficulty attaining expected academic progress, despite receiving instruction in a high quality curriculum with the implementation of additional instructional intervention strategies within the framework of a multi-tiered system of support.

B. Data gathering and review may include, but is not limited to, the following information to establish a profile of the whole child:

1. student and family history, including relevant developmental, health, or home information;
2. speech and language information, including assessment of phonological awareness;

3. academic, cognitive, and behavior records;
4. teacher observations of aptitude, behavior, and concerns;
5. criterion referenced, norm referenced, and/or standardized test results;
6. interventions implemented;
7. formal and/or informal assessment and progress monitoring data;
8. samples of student work;
9. observations of student effort at home and/or school;
10. student academic and non-academic strengths and interests;
11. most recent vision and hearing screening results;

C. The SBLC will determine if relevant data indicates the need for further action that may include:

1. additional assessment;
2. continuation of specialized instructional interventions and progress monitoring;
3. development of a 504 Plan to provide classroom accommodations;
4. referral to pupil appraisal for evaluation to determine eligibility for special services as provided by IDEA;
5. referral to pupil appraisal for support services;
6. return to regular classroom without further strategies or interventions.

D. The SBLC may repeat the review process should concerns regarding dyslexia or reading difficulties become evident or emerge at a later date.

E. Private evaluation results and documentation submitted by a parent or guardian must be reviewed by the SBLC which shall include at least one member trained in the identification of dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

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### **§109. Screening Requirements**

A. In accordance with LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School Administrators*, all students enrolled in kindergarten through third grade shall be administered a universal early literacy screener three times per school year: within the first 30 days of the school year, in December, and in April. Screening results shall be used to plan instruction and provide appropriate and timely intervention.

B. The early literacy screening instrument shall measure, at minimum, developmentally appropriate skills in:

1. phonological awareness,
2. phonics,
3. decoding,
4. fluency, and
5. comprehension.

C. A universal early literacy screener score that indicates deficits, below grade level benchmarks, shall result in additional screening to include:

1. Kindergarten and fall semester of first grade students shall be screened in the following areas:

- a. phonological awareness including onset and rime, rhyming and syllable manipulation; and
- b. rapid automatic naming of colors, objects, and/or numbers.

2. spring semester of first grade through third grade students shall be screened in the following areas:

- a. phonological/phonemic awareness including blending, onset and rime, rhyming, syllable manipulation, and phoneme segmentation and manipulation;
- b. rapid automatic naming of colors, objects, and/or numbers;
- c. encoding skills using spontaneous spelling;
- d. oral and written language skills; and
- e. letter sound association.

D. Data from screenings should be used to make informed decisions about evidence-based interventions. Progress should be monitored frequently to determine the student's response to the targeted interventions and the rate of improvement. If a student continues to struggle with literacy skills, despite high-quality instruction using a multi-tiered system of supports, the student shall be referred for SBLC review.

E. Screening is not limited to students in kindergarten through third grade and may be administered at any grade level if a student exhibits impediments to a successful school experience or upon request of a teacher, parent, or guardian.

F. A third grade student who does not score above the lowest achievement level on the literacy screener after three attempts and who is promoted to fourth grade for good cause in accordance with LAC 28:XXXIX.701. (*Bulletin 1566*) shall be screened for dyslexia.

G. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, in accordance with LAC 28:CXV.1123. (*Bulletin 741*).

H. The IDEA Child Find mandate requires all school districts to proactively identify, locate, and evaluate all students who are suspected of having a disability. If a school system suspects that a student has a disability based on screening data, the LEA is obligated to evaluate the needs of the student. The use of screening measures and/or tiered interventions may not be used to delay or deny the evaluation of a student suspected of having a disability.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1 and 17:392.3.

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### **§111. Multisensory Structured Language and Literacy Program Criteria**

A. A multisensory structured language and literacy program utilizes all the senses to enhance student memory and learning and shall consist of specific content components to include:

1. phonological awareness;
2. phoneme-grapheme association;
3. phonics;
4. syllable instruction;
5. linguistics;
6. language-based instruction that integrates all aspects of language and comprehension
  - a. receptive language skills of listening and reading,
  - b. oral expression in word selection and sequencing,
  - c. written expression in spelling, mechanics, and coherence, and
  - d. handwriting;
7. Meaning-based instruction provided in words and sentences to extract meaning in addition to teaching isolated letter-sound correspondence.

B. Instructional methodology for a multisensory structured language and literacy program must be:

1. Explicit. Literacy instruction requires direct teaching of concepts with continuous student-teacher interaction and does not assume students deduce concepts.
2. Systematic. Material is organized and taught in a way that is logical and fits the nature of language which refers to the way sounds combine to form words and words combine to form sentences to represent knowledge. The ways are determined by a system of rules.
3. Sequential. The learner moves step by step, in order, from simple, well-learned material to that which is more complex, as the student masters the necessary body of language skills.
4. Cumulative. Each step is incremental and based on the skills already learned.

5. Individualized. Teaching is planned to meet the differing needs of individual learners, but may be of similar scope and sequencing.

6. Diagnostic. Teachers must be adept at individualizing instruction (even within groups) based on careful and continuous assessment, both informal (e.g., observation) and formal (e.g., with standardized measures). Content must be mastered to the degree of automaticity needed to free attention and cognitive resources for comprehension and oral/written expression.

7. Automaticity of Performance. Fluent processing of information that requires little effort or attention as in sight word recognition. Adequate practice with decodable text is to be provided for mastery of skills and application of concepts.

8. Simultaneous Multisensory. Instructional approaches use a simultaneous combination of internal visual, auditory, kinesthetic, and tactile learning pathways to achieve proficiency in language processing.

9. Synthetic to Analytic Phonics. A process of teaching letter sounds to create words.

a. Synthetic phonics first teaches letter sounds and then combines or blends the sounds to create words.

b. Analytic phonics uses prior knowledge of letters and the corresponding sounds to decode and form new words.

#### **C. Program Implementation**

1. Multisensory structured language and literacy programs are to be routinely provided within the regular school day within the framework of multi-tiered systems of support in:

- a. regular classroom setting;
- b. separate classroom setting;
- c. individual or small group instruction;
- d. any additional accommodations that are developed by the SBLC; or
- e. any combination thereof.

#### **D. Review of Student Progress**

1. Progress monitoring data shall be maintained on students receiving instruction in a multisensory structured language and literacy program.

2. The SBLC shall conduct a periodic review of the data to determine the effectiveness of the program for the student.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

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