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## Title 28 EDUCATION

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## Title 28

### EDUCATION

## Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

Editor's Note: Bulletin 1566 was promulgated in LR 6:144 (April 1980), amended LR 11:685 (July 1985) and LR 16:766 (September 1990), promulgated LR 19:1417 (November 1993), amended LR 24:2081 (November 1998). Historical notes will reflect activity on individual Sections from November 1999 forward.

### 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 the state Board of Elementary and Secondary Education (BESE) to adopt rules relative to the promotion of fourth and eighth grade students.

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 and 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), LR 44:479 (March 2018).

### 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, socio-economic, 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 Department of Education. 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.

B. A local charter authorizer shall allow a locally authorized charter operator to submit a pupil progression plan in accordance with federal law, state law and BESE policy.

1. Following adoption of the pupil progression plan by the non-profit charter school board of directors, the plan shall not require approval or adoption from the local charter authorizer.

2. A locally authorized charter operator shall submit their pupil progression plan to the local charter authorizer prior to the annual submission to the Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and 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), LR 44:479 (March 2018), LR 47:1493 (October 2021).

## **Chapter 5. Placement Policies—General Requirements**

### **§501. General 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. Each plan shall provide details on academic supports for struggling students, including but not limited to grade-level instruction that is aligned with state academic content standards.

C. 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.

D. No school board member, school superintendent, assistant superintendent, principal, school 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.

E. For the 2020-2021 school year, student performance on the LEAP 2025 assessments shall not be considered in making placement decisions for fourth and eighth grade students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, and 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), LR 44:479 (March 2018), amended LR 48:35 (January 2022).

### **§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 promotion requirements for students eligible to take LEAP alternate assessment, level 1 (LAA 1) or LEAP connect.

d. Each plan shall include promotion requirements for students with disabilities aligned to policies included in *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*.

e. Each plan shall include other applicable requirements, including the high stakes policy requirements for entering students in fifth or ninth grade.

2. Every child, as a prerequisite to enrollment in any first grade of a public school, shall have attended at least a full-day public or non-public kindergarten for a full school year, and shall have satisfactorily passed an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. Each school system shall establish the academic readiness level for its first grade based on criteria established by the system. Any child not able to meet kindergarten attendance requirements due to illness or extraordinary, extenuating circumstances as determined by the school governing authority, shall be required to satisfactorily pass an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. In accordance with R.S. 17:221, any child below the age of seven who legally enrolls in school shall be subject to state laws regarding compulsory attendance and promotion requirements set forth by the school system in accordance with this bulletin.

#### B. Requirements for High School Students

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

a. 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 or LEAP 2025 high school assessments to receive a high school diploma;

b. any first-time eighth grade student who does not meet the passing standard set forth in §703 of this bulletin and any student not eligible for any waiver pursuant to §707 of this Part, may be placed on a high school campus in transitional ninth grade;

c. LEAs shall follow the guidelines set forth in §703 to determine, based on evidence of student learning, whether eighth grade students may be promoted to the ninth grade or placed on a high school campus in transitional ninth grade. The percentage of an LEA’s eighth graders placed in transitional ninth grade is expected to remain stable over time. In the event that the percentage of an LEA’s eighth graders placed in transitional ninth grade exceeds the percentage of eighth graders in that LEA eligible for transitional ninth grade at the conclusion of the prior school year, the local superintendent of that LEA shall provide a written justification to the state superintendent;

d. the initial decision to place a student in the transitional ninth grade or to retain a student in the eighth grade shall be made by the school in which the student is enrolled in the eighth grade, in consultation with the student’s parents;

e. each LEA shall admit transitional ninth grade students, subject to any admissions requirements approved by the school’s governing authority or charter authorizer;

f. the following shall govern the transitional ninth grade:

i. for any student who recently completed the eighth grade and is transferring into the LEA from another state or country after summer remediation, if summer remediation is offered, the LEA shall review the student’s academic record to determine appropriate placement in ninth grade or transitional ninth grade. Such placement shall occur no later than October 1 of each school year.

ii. After one full year of transitional ninth grade, students shall be included in the ninth grade graduation cohort for high school accountability purposes.

iii. Students enrolled in transitional ninth grade shall receive appropriate academic supports in any subjects in which they did not score at or above proficient, as determined by BESE. A plan outlining such academic supports shall be included in the student’s individual graduation plan. Progress pursuant to such specified academic supports shall be reviewed at least once throughout the school year in order to determine effectiveness and any needed adjustments.

iv. Students enrolled in transitional ninth grade shall have opportunities to take career and technical education courses and participate in any career training opportunities included in a high school career pathway developed by a consortium of LEAs, post-secondary colleges and universities, and local business and industry, and approved by the LDE.

v. Students enrolled in transitional ninth grade shall receive dropout prevention and mentoring services based on proven strategies to retain and graduate at-risk students. The LDE shall make available to LEAs a list of recommended strategies and technical assistance needed to offer students such services.

#### 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. Students in grades 5 and 9 transferring to a public school from any in-state nonpublic school (state-approved and not seeking state approval), any approved home study program, or Louisiana resident transferring from any out-of-state school, shall be administered the English language arts and mathematics portions of the LEAP placement test. Students who have scored below the “basic” achievement level shall have placement and individual academic supports addressed in the same manner as non-transfer students in accordance with §701 and §703.

b. Any child transferring into the first grade of a public school from out of state and not meeting the requirements for kindergarten attendance shall be required to pass an academic readiness screening administered by the school system prior to the time of enrollment for the first grade, in accordance with state law.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6, 17.7, and 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), LR 40:765 (April 2014), LR 40:1332 (July 2014), LR 40:2533 (December 2014), LR 41:1271 (July 2015), LR 44:480 (March 2018), LR 44:1003 (June 2018), LR 44:2131 (December 2018), LR 46:18 (January 2020), LR 48:1759 (July 2022).

### **§505. Other Placement Requirements**

A. Progression—Students Participating in LEAP Alternate Assessment (LAA1) or LEAP Connect

1. Students with disabilities who participate in the LEAP alternate assessment or LEAP Connect shall have promotion decisions determined by the IEP team.

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 and 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), LR 44:481 (March 2018).

### **§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 assessments;

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 any planned academic support strategies to be provided to the student;

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), LR 44:481 (March 2018).

### **§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 and 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, and 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 general education and exceptional students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and 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), LR 44:481 (March 2018).

### **§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. Promotion and Support Policy**

### **§700. Support Standard for Grades Kindergarten-3**

A. Beginning with the 2022-2023 school year and every school year thereafter, each local education agency shall identify all students in kindergarten, first, second, and third grade who score below grade-level on the literacy assessment.

B. The school shall notify the parents or legal custodian of students identified in part A of this subsection in writing regarding the student's performance within 15 days of identification. Such notification shall

1. Provide information on activities that can be done at home to support the student's literacy proficiency.
2. Provide information about supports and interventions that will be provided by the school to support the student's literacy proficiency.
3. Provide a timeline for updates as a result of progress monitoring that includes a middle-of-year and end-of-year update.
4. Provide information about the importance of being able to read proficiently by the end of the third grade.

C. The school shall provide mid-year and end-of-the-year updates to the parent or legal custodian of students identified in §700.A of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17.7; R.S. 17:24.4; and R.S. 14:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1760 (July 2022).

### **§701. Promotion and Support Standard for Grades 3-7**

A. Beginning with the end of the 2022-2023 school year and at the end of each school year thereafter, each local

education agency shall identify, based on a preponderance of evidence of student learning relative to literacy, a plan for third grade students who have scored below "basic" achievement level in English language arts and are identified as reading below grade level, that would enable them to successfully transition to the next grade level. Third grade students who have not met such an acceptable level of performance may be retained or promoted; but in either case shall be provided with an individual student literacy plan that adheres to the following requirements:

1. The school shall convene an in-person meeting with the student's parents or legal custodian, all teachers of core academic subjects, and specialized support personnel, as needed, to review the student's academic strengths and weaknesses relative to literacy, discuss any other relevant challenges, and formulate an individual student literacy plan designed to assist the student in achieving proficiency in literacy. All participants shall sign the documented plan, using a template provided by the department, and shall meet to review progress at least once more before the next administration of the LEAP assessment.

2. The student shall be provided with focused literacy interventions and supports based on the science of reading designed to improve foundational literacy.

3. The student requiring an individual student literacy plan shall be identified as such in the state student information system (SIS).

4. The student shall be afforded the opportunity to receive on-grade level instruction and focused literacy interventions based on the science of reading during the summer.

5. Each LEA shall adopt a written policy pertaining to the development of the individual student literacy plan. This policy shall be included in the pupil progression plan of the LEA and could include the following specific student supports; daily targeted small-group interventions, before and after school literacy intervention provided by a teacher or tutor with specialized literacy training, and at-home literacy programs that include literacy workshops for the parents and legal guardians of students and web-based or parent-guided home literacy activities.

6. The department may audit a random sampling of students in each local education agency identified pursuant to Subsection A of this Section each year.

B. Beginning with the end of the 2017-2018 school year and at the end of each school year thereafter, each local education agency shall identify a plan, based on a preponderance of evidence of student learning, fourth grade students who have scored below "basic" achievement level in at least two core academic subjects, including English language arts, mathematics, science, and social studies, that would enable them to successfully transition to the next grade level. Fourth grade students who have not met such an acceptable level of performance may be retained or promoted, but in either case, shall be provided with an individual academic improvement plan that adheres to the following requirements.

1. The school shall convene an in-person meeting with the student's parent or legal custodian, all teachers of core academic subjects, and specialized support personnel, as

needed, to review the student's academic strengths and weaknesses, discuss any other relevant challenges, and formulate an individual academic improvement plan designed to assist the student in achieving proficiency in all core academic subjects. All participants shall sign the documented plan, using a template provided by the department, and shall meet to review progress at least once more before the next administration of the LEAP assessment.

2. The student shall be provided with focused, on-grade level instructional support that is appropriate to the content area(s) in which the student has not yet achieved proficiency. Instruction shall be aligned with state academic content standards.

3. The student requiring an academic improvement plan shall be identified as such in the state student information system (SIS).

4. The student shall be afforded the opportunity to receive on-grade level instruction during the summer.

5. Each LEA shall adopt a written policy pertaining to the development of individual academic improvement plans. This policy shall be included in the pupil progression plan of the LEA.

6. The department shall audit a random sampling of students in each local education agency identified pursuant to Subsection A of this Section each year.

C. The department shall provide to each LEA a roster of third and fourth grade students who are eligible for consideration under Subsection A and B of this chapter. Such roster shall assist the LEA in making final determinations relative to students' individual academic plans and/or individual literacy plans required pursuant to this Section.

1. The decision to retain a student as a result of his/her failure to achieve the standard on the LEAP shall be made by the LEA in accordance with the local pupil progression plan. The department shall provide guidance to LEAs on retention considerations.

2. The individual literacy plan and/or academic improvement plan required in this Section shall continue to be in effect until such time as the student achieves a score of "basic" in each of the core academic subjects that initially led to the development of the student's individual academic plan and/or literacy plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:24.9; and R.S. 17:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), LR 48:1760 (July 2022).

### **§703. Promotion and Support Standard for Grade 8**

A. Eighth grade students shall score at least at the "basic" achievement level in either English language arts or mathematics and "approaching basic" in the other subject in order to be promoted to the ninth grade. Students who do not meet the promotion standard after taking the eighth grade state assessments may be placed on a high school campus in the transitional ninth grade. For any student who recently completed the eighth grade and is transferring into the LEA from another state or country, the LEA shall review the student's academic record to determine appropriate placement in ninth grade or transitional ninth grade. Such

placement shall occur no later than October 1 of each school year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), amended LR 44:1003 (June 2018).

### **§705. Supports for Students**

#### **A. Summer Remediation**

1. LEAs may offer extended, on-grade level instruction through summer remediation to students who, based on a preponderance of evidence of student learning, are considered to be academically struggling, did not take the spring LEAP tests, and failed to meet the standard set forth in §701 and §703 of this Part. 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. Student with disabilities attending summer remediation shall receive special supports as needed.

3. Summer remediation programs shall meet all of the following requirements:

a. use curriculum determined by the department to fully align to Louisiana state standards (*Bulletin 141—Louisiana Standards for English Language Arts, Bulletin 142—Louisiana Standards for Mathematics, Bulletin 1962—Louisiana Science Content Standards, and Bulletin 1964—Louisiana Social Studies Content Standards*);

b. teachers shall be rated "effective: proficient" or "highly effective" pursuant to the teacher's most recent evaluation or have achieved a value-added rating of "effective:proficient" or "highly effective" on the most recent evaluation;

#### **B. School Year Support**

1. The individual academic plan for each student identified in §701 of this bulletin shall outline the responsibilities of each party for students who have failed to achieve the standard by the end of fourth grade.

2. LEAs shall design and implement additional instructional strategies to move the students to grade-level proficiency by providing at least two of the following, which shall be documented in the individual academic improvement plan.

a. The student is placed in the classroom of a teacher who has been rated "highly effective" pursuant to his/her most recent evaluation or has achieved a value-added rating of "highly effective" pursuant to his/her most recent evaluation, or has documented evidence derived from state summative assessments of improving the academic performance of students having individual academic improvement plans in the past.

b. The student completes summer remediation in accordance with Subsection A of this Section.

c. Additional instructional time is provided during or outside of the school day to expose the student to high quality instruction. This shall not result in a student being removed from English language arts, mathematics, science, or social studies courses.

d. The student is provided access to on grade-level instruction that is aligned to Louisiana state standards, which



may include some below grade-level content and support needed to address the student's identified weaknesses.

3. Remediation programs used throughout the school day and school year shall not account for more than 35 percent of total instructional minutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010), amended LR 40:2533 (December 2014), LR 44:482 (March 2018), LR 44:1004 (June 2018), LR 46:18 (January 2020).

### **§707. Exceptions to Promotion and Support Policy for Eighth Grade Students**

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 the spring administration of LEAP and has attended a summer remediation program offered by the LEA; and

3. parental consent is granted.

B. **U/B 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 *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 the spring administration of LEAP and has attended a summer remediation program offered by the LEA; and

6. parental consent is granted.

C. **AB/AB Waiver.** An LEA, through its superintendent, may consider a waiver for a 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 a LEAP summer remediation program offered by the LEA.

D. **LEP Waiver.** Limited English proficient (LEP) students shall participate in the statewide assessments pursuant to Bulletin 118. The SBLC shall be granted the authority to waive the state's grade promotion policy for an LEP student.

E. **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 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 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.

F. **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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2006 (September 2010), amended LR 40:2242 (November 2014), LR 44:482 (March 2018), LR 44:1004 (June 2018), LR 46:18 (January 2020).

## **Chapter 9. Appendix [Formerly Chapter 11]**

### **§901. Definition of Terms**

#### **[Formerly §1101]**

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

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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*—a summer school program offered by the LEA for the specific purpose of preparing students to achieve proficiency in English language arts, mathematics, science, and/or social studies.

*Louisiana Educational Assessment Program (LEAP)*—the state's testing program that includes grades 3 through 10 in the core academic subjects of English language arts, mathematics, social studies and science.

*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 local education agency which shall be based, in significant part, 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.

*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. 17:6, 17.7, and 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), LR 44:483 (March 2018), LR 46:18 (January 2020).