

# DECLARATION OF EMERGENCY

## Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures—  
Regular Placement (LAC 28:XXXIX.503)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XXXIX.Chapter 5 in Bulletin 1566—*Pupil Progression Policies and Procedures*: §503. Regular Placement. The proposed policy revisions provide relative to student placement in first grade and regarding the transfer of students from out-of-state schools, non-public schools, and home study programs. These emergency revisions outline prerequisites to enrollment in first grade, and requirements for students transferring into public schools seeking to enroll in fifth and ninth grade. This emergency action is necessary in order to align transfer student placement requirements in a timely manner for out-of-state transfer students with current requirements for in-state transfer students. By aligning these two policies at the beginning of the 2018-2019 school year, as opposed to the time in which the corresponding Notice of Intent becomes a final Rule, this will provide for the wellbeing of all transfer students in Louisiana (both in-state and out-of-state), providing local education agencies (LEAs) with standards that are more consistent. This emergency action will guarantee that students are more accurately assessed and placed at the appropriate grade-level in a timely manner and based on individual student needs. This Declaration of Emergency, adopted on August 15, 2018, is effective for a period of 120 days from adoption, or until adopted as a final Rule.

### Title 28 EDUCATION

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

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

#### §503. Regular Placement

A. - A.1.e. ...

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, or 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. - D.2.a. ...

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. 17.7 and 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), 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:

Dr. Gary L. Jones  
President

1809#010