

## CURRENT POLICY

### **Title 28 EDUCATION**

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

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

###### **§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 LEAP alternate assessments, level 1 (LAA 1) eligible students aligned to policy contained in this bulletin.
- 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.

###### **B. Requirements for High School Students**

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

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

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

c. beginning with the conclusion of the 2013-2014 school year, any first-time eighth grade student who does not meet the passing standard set forth in §701 of this bulletin and any student not eligible for any waiver pursuant to §707 of this bulletin, after taking the state assessments in spring and summer, may be placed on a high school campus in transitional ninth grade;

d. at the conclusion of the 2014-2015 and 2015-2016 school years, LEAs shall follow the guidelines set forth in §701.B 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 in 2015-2016 exceeds the percentage of eighth graders in that LEA eligible for transitional ninth grade at the conclusion of the 2013-2014 school year, the local superintendent of that LEA shall provide a written justification to the state superintendent;

e. the 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;

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

g. the following shall govern the transitional ninth grade.

i. Students placed in the transitional ninth grade shall participate in the summer remediation program offered by the LEA and the summer retest.

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

iii. Students enrolled in transitional ninth grade shall receive remediation in any subjects in which they did not score at or above proficient, as determined by BESE. A plan outlining such remediation shall be included in the student’s individual graduation plan.

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

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

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

## Chapter 7. High Stakes Testing Policy

### §703. Retention

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

B. Eighth grade students who do not meet the promotion standard after taking the eighth grade state assessments in spring and summer may be placed on a high school campus in the transitional ninth grade.

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

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

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

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

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

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

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

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

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

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

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

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 36:2005 (September 2010), amended LR 40:766 (April 2014).

### §705. Supports for Students

#### A. Remediation

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

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

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

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

## B. School Year Support

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

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

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

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

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

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

### §707. Exceptions to High Stakes Policy

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

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

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

3. parental consent is granted.

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

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

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

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

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

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

6. parental consent is granted.

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

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

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

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

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

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

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

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

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

### F. Extenuating Circumstances Waiver

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

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

## 2. Documentation

- a. *Physical Illness*—appropriate documentation must include verification that the student is under the medical care of a licensed physician for illness, injury, or a chronic physical condition that is acute or catastrophic in nature. Documentation must include a statement verifying that the illness, injury, or chronic physical condition exists to the extent that the student is unable to participate in testing and/or remediation.
- b. *Custody Issues*—certified copies of the court-ordered custody agreements must be submitted to the LEA at least 10 school days prior to summer remediation or retesting.

## 3. Student Eligibility/Retest Requirements

- a. Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court-ordered custody category related to LEAP; and
- b. who are unable to participate in both the spring and the summer administration of LEAP; or
- c. who failed to achieve the passing standard on the spring administration of LEAP English language arts and mathematics tests and are unable to participate in LEAP summer retest:
  - i. shall take the Iowa Tests for grade placement within 10 school days of returning to school, which may include hospital/homebound instruction, in order to ensure the appropriate level of instruction;
  - ii. must score at or above the cutoff score on the selected form of the Iowa Tests for grade placement to be promoted to the fifth or ninth grade; and
  - iii. are not eligible for a retest. These students may be eligible for the other waivers in accordance with the local pupil progression plan;
- d. students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court-ordered custody category related to LEAP; and
- e. who are unable to participate in the spring testing and/or summer remediation, including the provision of remediation through hospital/home-bound instruction, are required to take the LEAP summer retest. These students may be eligible for the other waivers in accordance with the local pupil progression plan.

## G. State-Granted Waiver

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

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

## 3. Documentation

- a. *LEA Error*—the LEA superintendent or parent must provide the State Superintendent of Education with school- and student-level documentation detailing the error, how the error occurred, and how the error will be corrected so that it will not occur again in the future.
- b. *Other Unique Situations*—documentation must be provided to the State Superintendent of Education detailing the unique situation and justifying why a waiver should be granted.

## 4. Testing/Promotion Decisions

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

## H. Students with Disabilities

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2006 (September 2010), amended LR 40:2242 (November 2014).