

COMPARISON DOCUMENT

Title 28

EDUCATION

Part CI. Bulletin 1508—Pupil Appraisal Handbook

Chapter 5. Evaluation Responsibilities

§501. Evaluation Coordination

A. – 3.a. ...

b. certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty;

3.c. – B.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:900 (May 2009), effective July 1, 2009, LR 52:

Chapter 7. Disabilities

§703. Deaf-Blindness

A. – D.2. ...

3. an orientation and mobility screening conducted to assess the student's ability to travel around in his or her environment. ~~(There is a suggested screening checklist in the Appendix.)~~ Based on the results of the screening, an assessment conducted by a qualified orientation and mobility instructor may be warranted;

D.4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1210 (July 2023), LR 51:2041 (December 2025), LR 52:

§709. Deaf and/or Hard of Hearing

A. – A.2. ...

a. *Permanent Bilateral Hearing Loss*—a permanent hearing loss with an unaided pure tone average in the better ear at 500, 1000, and 2000 Hz between 25 and 70 dB (ANSI). The hearing loss is severe enough to be considered educationally significant, as it will to varying degrees impact the normal development of speech and language skills and/or interfere with learning new information through the auditory modality.

A.2.b. – E.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:908 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 51:2042 (December 2025), LR 52:

§719. Specific Learning Disability

A. – D.4. ...

5. a psychological assessment shall be conducted, when necessary, by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty ~~when necessary~~, to rule out an intellectual disability;

6. – 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:911 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 52:

725. Visual Impairment

A. – C. ...

1. Orientation and mobility screening will be conducted to screen the student's ability to travel around in his or her environment. ~~(There is a suggested screening checklist in the Appendix.)~~

D. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1211 (July 2023), LR 51:2045 (December 2025), LR 52:

Chapter 9. Gifted and Talented

§901. Gifted

A. – D.2. ...

a. an assessment of intellectual abilities, individually or group administered, by a certified school or licensed psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty using nondiscriminatory assessment procedures;

D.2.b. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, LR 52:

Chapter 11. Reevaluation Information

§1101. Required Reevaluations

A. – A.4. ...

5. when a student is no longer suspected of requiring a related service, including but not limited to speech or language therapy, occupational therapy, physical therapy, or is no longer in need of adapted physical education services.

B. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:916 (May 2009), effective July 1, 2009, amended LR 43:2494 (December 2017), LR 51:2045 (December 2025), LR 52:

Chapter 15. Related Services

§1513. School Social Work Services

A. – C. ...

1. The assessment shall be conducted by a qualified school social worker and shall include the supporting documentation of the psycho-social stressors ~~(see Appendix)~~ being experienced by the student and/or his family and will include at a minimum the following procedures:

C.1.a. – C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:923 (May 2009), effective July 1, 2009, LR 52:

Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

Chapter 1. Individualized Education Program (IEP)

§125. Dispute Resolution Options

A. The LDOE has adopted written procedures regarding the resolution of any complaint related to the identification, evaluation, educational placement, the level of services or placement, the provision of a free appropriate public education (FAPE) or payment for services that the parent has obtained for a student with

a disability. ~~The *Parent's Guide to Special Education Dispute Resolution* is designed to assist parents in understanding the Louisiana dispute resolution systems. The guide can be located at www.doe.state.la.us/lde/eia/2114.html.~~

B. ...

C. ~~Informal Complaints/Early Resolution Procedures (ERP). It is the policy of the LDOE to encourage and support prompt and effective resolution of any administrative complaint in the least adversarial manner possible. The implementation of the ERP by each LEA draws on the traditional model of parents and schools working cooperatively in the educational interest of the students to achieve their shared goal of meeting the educational needs of students with disabilities. The LDOE shall facilitate a collaborative administrative complaint resolution process to work cooperatively with parents and schools to achieve a shared goal of meeting the educational need of students with disabilities.~~

1. ~~Formal administrative complaints are procedures developed under the supervisory jurisdiction of LDOE to address allegations that a public agency an LEA is violating a requirement of Part B of the Act.~~

2. ~~Participation in ERP is voluntary, and a parent or complainant is not required to participate in ERP after filing a state complaint.~~

D. ~~Mediation is an informal, voluntary process by which the parent and the public agency LEA are given an opportunity, through the help of a trained mediator, to resolve their differences and find solutions to enhance the overall learning environment for the student. Differences may arise in the planning and implementing of an individualized educational program for a student with an exceptionality. It is important for parents and LEAs to have an opportunity to present their viewpoint in a dispute. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Mediation Services for Students with Exceptionalities* brochure for more information.~~

E. ~~The parents and the public agency LEA both have the right to an "impartial due process hearing" when disagreements arise between the parent and the public agency LEA, relative to initiating or changing the identification, evaluation, or educational services and placement of a student with an exceptionality. Due process hearings may be initiated by the parent or the public agency LEA. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Special Education Impartial Due Process Hearing* brochure for more information.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009), LR 52:

Part LXI. Bulletin 1573—Complaint Management Procedures

Chapter 1. Terms, Purpose and Mandates

§101. Definitions

A. As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Subsection unless a different meaning is plainly required by the context.

* * *

DSP Repealed.

Local Educational Agency (LEA)—a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for such combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary or secondary schools including an educational service agency or other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under the state law.

Louisiana State Department of Education (SLLDOE)—the State Department of Education or other agency or officer primarily responsible for the state supervision of public elementary and secondary schools;

or, if there is no such officer or agency, an officer or agency designated by the Governor or by state law. Referred to in the Individuals with Disabilities Education Act (ACT) as State Educational Agency (SEA). May also be referenced as SDE, LDE, or DOE.

Public Agency—state and local education agencies and educational service agencies, including nonprofit public charter schools that are not otherwise included as an LEA or educational services agency (ESA) and are not a school of an LEA or ESA, and any other political subdivisions of the state that are responsible for providing education to children with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1081 (July 2003), LR 52:

Chapter 3. General Provisions

§307. Complaint Criteria

A. ...

1. allege that a public agency ~~local educational agency (LEA)~~ which provides or is required to provide publicly funded special education is violating federal and/or state laws, regulations, policies, rights, procedural safeguards or program standards adopted by the BESE and administered by the SDE to assure FAPE to children with exceptionalities or children suspected of having exceptionalities;

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003), LR 52:

Chapter 5. Complaint Intake and Investigative Procedures

§501. Filing Complaints

A. Complaints may be filed by parents, students, child advocates, surrogate parents, other individuals or organizations. Complaints may be filed in writing, by telephone call, by email, or in person. A complaint must include not only a statement that a public agency ~~local educational agency (LEA)~~ has violated a requirement of federal/state law or regulation but also the facts upon which the statement has been based.

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:489 (April 2024), LR 52:

§503. Treatment of Complaints

A. – C. ...

D. All complaints must be resolved within 60 calendar days of receipt unless an extension is granted. Request for extensions may be made by the complainant, the public agency ~~local educational agency (LEA)~~, or the LDOE ~~SDE~~.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 52:

§505. Complaint Intake Procedures Log (SCL)

A. When a complaint is received and accepted by the SDE, the complaint is recorded in the SDE Complaint Log (SCL). SCL includes, but is not limited to, documenting the date received, name of the complainant, public agency that is the subject of the complaint ~~LEA~~, school if applicable, allegation type, and outcome, including:

1. The date the complaint was received;
2. The name of the complainant;
3. The public agency that is the subject of the complaint;

4. The school, if applicable;
5. The allegation type; and
6. The date on which the final written decision was issued and the final disposition of the complaint.

B. – C.

...

D. The public agency local educational agency (LEA) is sent a letter within five business days of intake indicating receipt of the complaint, a statement of the issues involved, including the applicable statute and rule citation(s), the name of the LDOE SDE representative handling the complaint, and the timeline by which the public agency LEA must respond to the complaint.

E. The response from the public agency local educational agency (LEA) should include either documentation to prove that the alleged violation did not take place or a plan of action to correct the violation.

F. When noncompliance is identified, the SCL shall include the corrective action required, the timeline for completion of corrective action, and the date on which the LDOE verifies and documents that corrective action has been completed and the matter closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:489 (April 2024), LR 52:

§507. Investigation Procedures

A. ...

B. If it is determined that an on-site investigation is necessary, an on-site investigation will be scheduled and conducted with technical assistance provided as necessary. Notice will be provided to the public agency or individual school system prior to the on-site investigation.

C. – C.2.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 52:

§509. Report of Findings

A. The LDOE SDE reviews all relevant information and makes an independent determination as to whether the public agency local educational agency (LEA) has violated any federal or state law(s), rule(s) or standard(s).

B. A written report of findings is sent to the public agency local educational agency (LEA) and the complainant. The report includes a statement of the complaint, the applicable statutes and rules, findings of fact, conclusions, technical assistance activities and corrective actions to achieve compliance.

C. If corrective action is necessary, the public agency local educational agency (LEA) must submit in writing to the LDOE SDE, according to timelines indicated by the LDOE SDE, a plan that includes the specific steps, material, personnel, and timelines required to resolve the complaint.

D. ...

E. When all appropriate documentation has been received by the LDOE SDE, the public agency local educational agency (LEA) is sent written notification of complaint closure.

F. – I.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:489 (April 2024), LR 52:

§511. Extension of Timelines

A. – A.2.

Repealed.

~~process~~ shall ~~effect such policy~~ to promote dispute prevention and the timely swift resolution of disputes by implementing an early resolution process.

1. – 3. ...

4. An individual or organization may file a formal written complaint in accordance with this Subpart at any time. The filing of a formal written complaint shall not be contingent upon participation in ERP. Participation in ERP is voluntary and therefore complainants shall not be required to participate in ERP in response to filing a state complaint.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2046 (October 2008), amended LR 36:1499 (July 2010), LR 51:59 (January 2025), LR 52:

§153. Formal Written Complaint Procedures

A. Time Limit; Minimum Procedures. The time limits in this Section commence after LDQE receives a signed written complaint filed in accordance with §152 of this Chapter. ~~The LDE will refer the complaint to the LEA superintendent, special education director/supervisor, or ERP representative in accordance with §151 of this Chapter.~~

1. The LDQE will:

a. initiate an independent investigation of the formal written complaint upon receipt; and not commence investigation of a formal written complaint until after the expiration of the 15-day early resolution period described in §151 of this Chapter; but

b. shall complete its investigation of unresolved allegations and issue a decision within 60 days of receipt of the complaint 45 days after the expiration of the early resolution period in accordance with the procedures contained in this Section.

2. Upon receipt of a signed written complaint ~~expiration of the resolution period~~, the LDQE shall review the allegations contained in the complaint and shall provide written notice to the LEA or public agency serving the student, including the following:

a. – c.i. ...

ii. the opportunity to offer to the complainant parent who has filed a complaint, mediation consistent with §506 or neutral IEP facilitation as available through the LDQE.

B. – D. ...

E. Decision. Within 60 days of receipt of the complaint 45 days of expiration of the early resolution process, the LDQE shall issue a written decision to the complainant and the public agency that addresses each remaining allegation of the complaint and contains:

E.1. – K. ...

1. The LDQE shall refer and recommend to BESE the delay or denial of funding or an offset of future funding for any LEA or public agency that, after due notice:

a. – 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2047 (October 2008), amended LR 36:1500 (July 2010), LR 46:180 (February 2020), LR 52:

Chapter 5. Procedural Safeguards

Subchapter A. Due Process Procedures for Parents and Students

§509. Model Forms

A. The LDQE shall develop ~~has developed~~ model forms to assist parents and public agencies in filing a request for due process hearing in accordance with this Subchapter §§507.A and 508.A through C and to assist parents and other parties in filing a state complaint in accordance with Subpart 1 of this Part. ~~under~~

~~§151 through 153. The forms may be found in the *Louisiana's Educational Rights of Children with Disabilities* and on the LDE website. The use of the model forms shall not be required.~~

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2072 (October 2008), LR 52: