

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person
Preparing
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Secondary Education

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Return
Address: 1201 North Third Street Rule: Part CXV, Bulletin 741—Louisiana
Baton Rouge, LA 70802 Title: Handbook for School Administrators
(LAC 28: CXV.717, 2321, and 2322)

Date Rule
Takes Effect: Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase costs within the Louisiana Department of Education (LDE) related to the creation of a rubric for each subject area of the portfolio of work as well as to the review of audits.

The proposed change creates an appeals process for certain students who do not meet current graduation requirements. Louisiana is the one of eight states in the country which has high stakes testing for graduation, but it is the only state in the country which does not have an alternative method for appeals in order for students to demonstrate proficiency in the content being assessed. The proposed appeal process creates a rigorous evaluation method in which, during a student's senior year, a student who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will allow for an appeals process for purposes of graduation only.

Per LA R.S. 17:24.4, standards-based assessments in English language arts, mathematics, science, and social studies based on state content standards and rigorous student achievement standards set with reference to test scores of students of the same grade level nationally shall be implemented by the State Board of Elementary and Secondary Education. Such tests shall be administered, at a minimum, in grades three through eleven. Further, the statute states, F(1)(j)(3)(a), that, "in lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education (LDE) and approved by the State Board of Elementary and Secondary Education (BESE). A determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student's Individualized Education Program committee and shall be so noted on that student's Individualized Education Program." This rule change does not allow for an alternate assessment, waiver of policy, or an alternate pathway for graduation. It simply institutes an appeals process for students in order to satisfy the graduation requirement via the portfolio by demonstrating proficiency in that regard, as opposed to achieving a certain score on standardized tests. Achieving a specific score on course assessments is not currently outlined in policy, but rather, the test must be administered to all students, excluding special education students, and scores are averaged into a student's course grade. This process will not allow for a course grade to be altered in any way.

Additionally, the student must provide evidence of employability by earning a silver or better on the WorkKeys assessment, earning a TOPS Tech award, or earning an approved Louisiana Jump Start Industry Based Credential. Students who have not met the approved Carnegie unit requirements for the TOPS University or TOPS Tech Career Diplomas are not eligible for an appeal. Approval of the appeal is made by the School Building Level Committee (SBLC) and the local education agency (LEA) leader. School sites who exceed an appeal rate of 3% of a graduating cohort are subject to an audit by LDE.

LDE reports the development of rubrics to assess mastery of standards in each subject through a portfolio of entries would require the work of Teacher Leader Advisors (TLAs), who complete tasks in areas of expertise through contracts for different types of deliverables. Based on LDE estimates, it could cost approximately \$76,600 for the project management and the TLA contracts to develop items for each standard. Internal review of the items would be absorbed by existing staff. LDE further reports the auditing of schools outside of the 3% limit would require an additional Education Program Consultant 3 position. Beginning in FY 24, the cost for this position would be \$119,503.19 (\$104,414.50 salary and \$15,088.69 related benefits). Finally, LDE reports scoring of portfolios during the year subsequent to audit findings of a school with more than the allowable number of diplomas issued would require the work of contracted reviewers and is estimated at \$150 per review (in this case, per subject) based on similar work. This total cost would depend on the number of portfolios

submitted during the year following the finding of discrepancies in appeals process implementation.

The already established School Building Level Committee (SBLC) and the Local Education Agency (LEA) head, will score portfolios with a standardized rubric, which will be subject to an annual audit. The SBLC is currently doing much of this work; therefore, the proposed rule change should not increase costs for the local school districts.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5% to 7% of public-school students did not meet graduation requirements due only to the fact that the required LEAP assessment scores were not achieved. This policy change will allow these students to demonstrate the fulfillment of the same course proficiency standards as currently proven via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

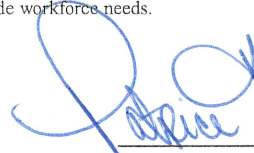
Data from the US Bureau of Labor Statistics reveals that 41.9% of high school dropouts are engaged in work or looking for work compared to 69.2% of high school graduates. Data on high school graduates in Texas who utilized the state's appeal process show they have employment rates that are statistically indistinguishable from national data on high school graduates. The assumption is that Louisiana can expect similar results for students who graduate using this new appeals process. The median weekly wage of a high school dropout is \$626 compared to \$809 for an individual with a high school diploma. Additionally, because the appeal has an employability component, we can expect a greater number of students graduating with an industry-based credential that is aligned with regional and statewide workforce needs.


Signature of Agency Head or Designee

Shan Davis, Executive Director
Typed Name & Title of Agency Head or Designee

7-6-23

Date of Signature


Bruce Thomas, Deputy Fiscal Officer
Legislative Fiscal Officer or Designee

7/07/2023

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed change creates an appeals process for certain students who do not meet current graduation requirements. Louisiana is the one of eight states in the country which has high stakes testing for graduation, but it is the only state in the country which does not have an alternative method for appeals in order for students to demonstrate proficiency in the content being assessed. The proposed appeal process creates a rigorous evaluation method in which, during a student's senior year, a student who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will be to allow for an appeals process for purposes of graduation only.

Per LA R.S. 17:24.4, standards-based assessments in English language arts, mathematics, science, and social studies based on state content standards and rigorous student achievement standards set with reference to test scores of students of the same grade level nationally shall be implemented by the State Board of Elementary and Secondary Education. Such tests shall be administered, at a minimum, in grades three through eleven. Further, the statute states, F(1)(j)(3)(a), that, "in lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education and approved by the State Board of Elementary and Secondary Education. A determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student's Individualized Education Program committee and shall be so noted on that student's Individualized Education Program." This rule change does not allow for an alternate assessment, waiver of policy, or an alternate pathway for graduation. It simply institutes an appeals process for students in order to satisfy the graduation requirement via the portfolio by demonstrating proficiency in that regard, as opposed to achieving a certain score on standardized tests. Achieving a specific score on course assessments is not currently outlined in policy, but rather, the test must be administered to all students, excluding special education students, and scores are averaged into a student's course grade. This process will not allow for a course grade to be altered in any way.

Additionally, the student must provide evidence of employability by earning a silver on the WorkKeys, earning a TOPS Tech award, or earning an approved Louisiana Jump Start Industry Based Credential. Students who have not met the approved Carnegie unit requirements for the TOPS University or TOPS Tech Career Diplomas are not eligible for an appeal. Approval of the appeal is made by the School Building Level Committee (SBLC) and the local education agency (LEA) leader. School sites who exceed an appeal rate of 3% of a graduating cohort are subject to an audit by the LDE.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Several factors can impact a student's ability to pass assessments required for graduation. The option of this appeal would allow seniors to demonstrate content mastery through a portfolio of work as an alternate path for graduation. The Every Student Succeeds Act (ESSA) requires that every public school student must be assessed. This policy revision will not remove the requirement to test. All students will still be required to take all state assessments. The change will be to allow for an appeals process for purposes of graduation.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

Yes. LDE reports there is currently no funding source available to meet the requirements of the proposed rule change.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ YES. If yes, attach documentation.

(b) X NO. If no, provide justification as to why this rule change should be published at this time

This rule change will give students options when it comes to graduation.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed rule change may produce a cost to the Louisiana Department of Education (LDE) as it relates to creating a rubric for each subject area of the portfolio of work, as well as reviewing audits.

COSTS	FY 24	FY 25	FY 26
Personal Services	Increase	Increase	Increase
Operating Expenses	0	0	0
Professional Services	Increase	Increase	Increase
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	Increase	Increase	Increase
POSITIONS (#)	1	1	1

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Rubrics will have to be created by LDE. The department will also be responsible for reviewing any audits as a result of these revisions. LDE reports the development of rubrics to assess mastery of standards in each subject through a portfolio of entries would require the work of Teacher Leader Advisors (TLAs), who complete tasks in areas of expertise through contracts for different types of deliverables. Based on LDE estimates, it could cost approximately \$76,600 for the project management and the TLA contracts to develop items for each standard. Internal review of the items would be absorbed by existing staff. LDE further reports the auditing of schools outside of the 3% limit would require an additional Education Program Consultant 3 position. Beginning in FY 24, the cost for this position would be \$119,503.19 (\$104,414.50 salary and \$15,088.69 related benefits). Finally, LDE reports scoring of portfolios during the year subsequent to audit findings of a school with more than the allowable number of diplomas issued would require the work of contracted reviewers and is estimated at \$150 per review (in this case, per subject) based on similar work. This total cost would depend on the number of portfolios submitted during the year following the finding of discrepancies in appeals process implementation.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 24	FY 25	FY 26
State General Fund	Increase	Increase	Increase
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
TOTAL	Increase	Increase	Increase

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

LDE reports there is currently no funding source available to meet the requirements of the proposed rule change. The LFO assumes an increase in SGF will be required.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule change will not impact local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule change will not impact sources of funding of local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY 24	FY 25	FY 26
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5% to 7% of public-school students did not meet graduation requirements due only to the fact that the required LEAP assessment scores were not achieved. This policy revision will allow these students to demonstrate the fulfillment of the same course proficiency standards, demonstrated via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

Data from the US Bureau of Labor Statistics reveals that 41.9% of high school dropouts are engaged in work or looking for work compared to 69.2% of high school graduates. Data on high school graduates in Texas who utilized the state's appeal process have employment rates that are statistically indistinguishable from national data on high school graduates. The assumption is that Louisiana can expect similar results for students who graduate using this new appeals process. The median weekly wage of a high school dropout is \$626 compared to \$809 for an individual with a high school diploma. Additionally, because the appeal has an employability component, we can expect a greater number of students graduating with an industry-based credential. These credentials are aligned with regional and statewide workforce needs.

NOTICE OF INTENT
Board of Elementary and Secondary Education

Graduation Appeals Process
(LAC 28: CXV.717, 2321, and 2322)

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 proposes to amend LAC 28: CXV in Bulletin 741—*The Louisiana School, District, and State Accountability System*. The proposed revisions create an appeals process for graduation. This appeals process creates a rigorous evaluation method in which in a student's senior year, a student, who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will be to allow for an appeals process for purposes of graduation only.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 7. Records and Reports

§717. Reports of High School Credit

A. – A.3. ...

B. Reporting and Review for state diplomas issued on appeal.

1. No later than October 1 annually, LEAs shall submit the following graduation data by school site via the Student Transcript System (STS). The LDOE will compile and submit a report to BESE annually in December, which will include the following:

- a. the total number of students issued a diploma;
- b. the number of students issued a diploma via an appeal of the assessment requirement granted via SBLC;
- c. the number of students considered by an SBLC for appeal of the assessment requirement;
- d. the number of students in the graduation cohort who did not earn a diploma by August 31 of that year;

and

e. an example of 3 exemplary portfolios that may be used by the department as examples for LEAs and school sites.

2. At the January 2026 BESE meeting the LDOE shall submit a report to BESE, detailing data for the initial two school years of implementation regarding appeals to the assessment requirements for the purposes of graduation eligibility. The report shall serve as a reference for BESE to use in determining if policy revisions are necessary. The LDE will report to BESE annually thereafter and will include the following:

- a. the percentage of college enrollment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort;
- b. to the extent that data is available, the percentage of employment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort; and
- c. the number of IBCs earned by type of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort.

C. Auditing of diplomas issued on appeal.

1. In the event the number of students, issued a diploma via an appeal, exceeds three percent of the respective graduation cohort of a school site, the governing LEA shall submit additional data to LDOE to be included in the BESE annual report. At a minimum, the additional data shall include Subgroup population information as follows for each school site which exceeds the three-percent threshold:

- a. African American;
- b. American Indian/Alaskan Native;
- c. Asian;
- d. Hispanic;
- e. white;
- f. two or more races;
- g. economically disadvantaged;
- h. immigrants;
- i. English learners;
- j. students with disabilities;
- k. students with 504 plans;
- l. homeless students;
- m. military-affiliated students; and

- n. Foster care students.
- 2. After an initial audit regarding the three percent threshold, a school, serving a unique population and in compliance with appeals eligibility requirements, shall be exempt from consecutive audits
- 3. If the initial audit yields discrepancies in the implementation of the appeals process, the State Superintendent of Education, may be the final authorizer for the respective school site the following year.

D. Random Sampling for Appeals Audits.

1. For the students described in Subsection C, the LDOE may audit a random sampling of the full appeals packets brought to SBLC team to include the following:

- a. an appeals cover page which attests completion of appeal requirements and signatures of the SBLC team in which the appeal was granted;
- b. evidence of intervention required by *Bulletin 741*, §2321, Subsection E;
- c. evidence of content proficiency through the state assessment requirement or portfolio submission;
- d. evidence of employability; and/or
- e. any additional documentation requested by the LDOE for the respective students.

E. Prior to the date of graduation or options program completion, the LDOE shall have the authority to determine the issuance of a diploma or an options program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 39:2204 (August 2013), LR 49:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2321. Appeals Eligibility and Requirements

A. – B.3.d.

Repealed.

A. Beginning with the 2023-2024 school year, if a student has not met state-established benchmarks in both assessments within any of the prescribed categories in *Bulletin 741*, §2318 Part A, the SBLC team may determine if the student is able to appeal the assessment requirements for the purposes of graduation eligibility.

B. Students who appeal the assessment requirement for graduation eligibility, shall be afforded the same opportunities to pursue a standard diploma to exit high school with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or, using the process outlined in subsection D of this Chapter, appeal to the respective School Building Level Committee (SBLC) team to be awarded a diploma.

C. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

D. Appeals Eligibility.

1. Students are eligible for an appeal to the assessment requirement no earlier than senior year and shall fulfill the following criteria:

- a. earn all Carnegie Units required for either the TOPS University Diploma or Career Diploma, as prescribed in *Bulletin 741*, §2318 and §2319; and
- b. fulfill at least one of the following conditions to demonstrate evidence of employability:
 - i. demonstrate workforce readiness by a score of Silver or higher on ACT WorkKeys;
 - ii. eligibility for the TOPS Tech Award; or
 - iii. demonstrate mastery of specific employability skills by earning a graduation-qualifying, Industry-Based Credential (IBC), outlined in *Bulletin 741*, §2319, regardless of the diploma pathway that the student is pursuing.
- c. fulfill at least one of the following conditions to demonstrate evidence of content proficiency:
 - i. fulfill the standard assessment requirement for the assessment pairs prescribed in *Bulletin 741*, §2318, Subsection A, or
 - ii. For the freshman cohort entering 2022-2023 and beyond, complete a portfolio of work that meets the content proficiency requirement, as measured by the LDOE standardized rubric, for both LEAP 2025 courses in the assessment pairs in which the standard assessment requirement was not fulfilled.
 - iii. For students entering the freshmen cohort prior to 2022-2023, the portfolio requirement may be satisfied by completing a portfolio aligned to one course in each corresponding LEAP 2025 assessment pair that was not fulfilled by the standard assessment requirement.

2. Pursuant to *Bulletin 741*, §707, for a transfer student transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program, proficiency shall be demonstrated

via successful completion of coursework and the issuance of Carnegie credit. A transfer student is not required to take the LEAP 2025 assessment in the courses that were transferred and accepted as Carnegie credit. For the purposes of appeals eligibility, a portfolio of work need not be completed for coursework fulfilled for transferred Carnegie credit.

E. Monitoring Progress and Responsibilities for Appeals Eligibility.

1. The SBLC shall monitor the progress of each student, who has not met a least one assessment requirement for graduation. The SBLC shall ensure that the student:

a. receives appropriate academic supports in any and all subjects for which the standard assessment requirement was not achieved. Additionally, each individual student graduation plan shall outline all academic supports provided. Progress, pursuant to such specified academic supports, shall be reviewed at least once throughout the school year in order to determine needed adjustments as well as effectiveness;

b. completes 30 hours of required remedial or co-requisite instruction for the LEAP 2025 exam in which the standard assessment requirement was not achieved, per *Bulletin 741*, §2318 and §2319;

c. is provided dropout prevention and mentoring services, based on proven strategies to retain and graduate at-risk students. The LDOE shall make available to LEAs, a list of strategies, as well as technical assistance needed to offer students such services; and

d. is scheduled for a meeting in order to determine eligibility for local career support with a representative from a Workforce Innovation Opportunities Act Provider, Vocational Rehabilitation Services Provider, or other local career support agency and its affiliated providers.

F. Appeals Consideration.

1. The SBLC shall review and consider individual student appeals for any student, who meets the appeal requirements, as outlined in Subsection D. Additionally, the SBLC may consider the following in determining an appeal decision:

a. the course grade awarded for the course which the student did not attain the standard assessment requirement for graduation on the LEAP 2025;

b. the score achieved on each LEAP 2025 assessment for which the student did not attain the standard assessment requirement for graduation;

c. the score achieved on the ACT, ACT WorkKeys, and, if applicable, TOPS or TOPS Tech scholarship eligibility;

d. the rigor of secondary coursework, including, successful completion of honors courses, Advanced Placement courses, IAB, and/or dual enrollment courses;

e. completion of a sequence of courses for an IBC within the Career Diploma;

f. the strength of an attained IBC in alignment with definitions outlined in *Bulletin 111*, §709;

g. overall preparedness for postsecondary success, including letters or certificates of acceptance to post-secondary institutions; and

h. any other academic information designated for consideration by the LEA for appeal consideration by the SBLC.

G. For students meeting the requirements outlined in Subsection D, the SBLC may determine that the student is eligible to graduate, subject to final approval of the Local Education Agency (LEA) head. A student who appeals the assessment requirement for graduation may graduate and receive a high school diploma on the basis of the committee decision by majority and the LEA head. This subsection does not create a property interest in graduation. The decision of the SBLC and LEA head is final and may not be appealed. Should an SBLC and LEA head not recommend a student for graduation eligibility by appeal, a student may only graduate through standard assessment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), repromulgated LR 41:1483 (August 2015), LR 49:

§2322. Senior Projects

[Formerly §2321]

A. A senior project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a senior project in partial fulfillment of the requirements for an academic endorsement shall develop local policy for senior projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level senior project committee.

2. Each student must have a senior project mentor.

3. Students must successfully complete the four components listed below with a score of satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the LDOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the senior project process; and

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

COMPARISON DOCUMENT

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 7. Records and Reports

§717. Reports of High School Credit

A. – A.3.

...

B. ~~Prior to the date of graduation or options program completion, the LDE shall have the authority to determine the issuance of a diploma or an options program skill certificate.~~ Reporting and Review for state diplomas issued on appeal.

1. No later than October 1 annually, LEAs shall submit the following graduation data by school site via the Student Transcript System (STS). The LDOE will compile and submit a report to BESE annually in December, which will include the following:

- a. the total number of students issued a diploma;
- b. the number of students issued a diploma via an appeal of the assessment requirement granted via SBLC;
- c. the number of students considered by an SBLC for appeal of the assessment requirement;
- d. the number of students in the graduation cohort who did not earn a diploma by August 31 of that year;

and

e. an example of 3 exemplary portfolios that may be used by the department as examples for LEAs and school sites.

2. At the January 2026 BESE meeting the LDOE shall submit a report to BESE, detailing data for the initial two school years of implementation regarding appeals to the assessment requirements for the purposes of graduation eligibility. The report shall serve as a reference for BESE to use in determining if policy revisions are necessary. The LDE will report to BESE annually thereafter and will include the following:

a. the percentage of college enrollment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort;

b. to the extent that data is available, the percentage of employment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort; and

c. the number of IBCs earned by type of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort.

C. Auditing of diplomas issued on appeal.

1. In the event the number of students, issued a diploma via an appeal, exceeds three percent of the respective graduation cohort of a school site, the governing LEA shall submit additional data to LDOE to be included in the BESE annual report. At a minimum, the additional data shall include Subgroup population information as follows for each school site which exceeds the three-percent threshold:

- a. African American;
- b. American Indian/Alaskan Native;
- c. Asian;
- d. Hispanic;
- e. white;
- f. two or more races;
- g. economically disadvantaged;
- h. immigrants;
- i. English learners;
- j. students with disabilities;
- k. students with 504 plans;
- l. homeless students;
- m. military-affiliated students; and
- n. Foster care students.

2. After an initial audit regarding the three percent threshold, a school, serving a unique population and in compliance with appeals eligibility requirements, shall be exempt from consecutive audits

3. If the initial audit yields discrepancies in the implementation of the appeals process, the State Superintendent of Education, may be the final authorizer for the respective school site the following year.

D. Random Sampling for Appeals Audits.

1. For the students described in Subsection C, the LDOE may audit a random sampling of the full appeals packets brought to SBLC team to include the following:

a. an appeals cover page which attests completion of appeal requirements and signatures of the SBLC team in which the appeal was granted;

b. evidence of intervention required by *Bulletin 741, §2321*, Subsection E;

c. evidence of content proficiency through the state assessment requirement or portfolio submission;

d. evidence of employability; and/or

e. any additional documentation requested by the LDOE for the respective students.

E. Prior to the date of graduation or options program completion, the LDOE shall have the authority to determine the issuance of a diploma or an options program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 39:2204 (August 2013), LR 49:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2321. ~~Senior Projects~~ Appeals Eligibility and Requirements

A. – B.3.d.

Repealed.

A. Beginning with the 2023-2024 school year, if a student has not met state-established benchmarks in both assessments within any of the prescribed categories in *Bulletin 741, §2318 Part A*, the SBLC team may determine if the student is able to appeal the assessment requirements for the purposes of graduation eligibility.

B. Students who appeal the assessment requirement for graduation eligibility, shall be afforded the same opportunities to pursue a standard diploma to exit high school with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or, using the process outlined in subsection D of this Chapter, appeal to the respective School Building Level Committee (SBLC) team to be awarded a diploma.

C. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

D. Appeals Eligibility.

1. Students are eligible for an appeal to the assessment requirement no earlier than senior year and shall fulfill the following criteria:

a. earn all Carnegie Units required for either the TOPS University Diploma or Career Diploma, as prescribed in *Bulletin 741, §2318 and §2319*; and

b. fulfill at least one of the following conditions to demonstrate evidence of employability:

i. demonstrate workforce readiness by a score of Silver or higher on ACT WorkKeys;

ii. eligibility for the TOPS Tech Award; or

iii. demonstrate mastery of specific employability skills by earning a graduation-qualifying, Industry-Based Credential (IBC), outlined in *Bulletin 741, §2319*, regardless of the diploma pathway that the student is pursuing.

c. fulfill at least one of the following conditions to demonstrate evidence of content proficiency:

i. fulfill the standard assessment requirement for the assessment pairs prescribed in *Bulletin 741, §2318, Subsection A*, or

ii. For the freshman cohort entering 2022-2023 and beyond, complete a portfolio of work that meets the content proficiency requirement, as measured by the LDOE standardized rubric, for both LEAP 2025 courses in the assessment pairs in which the standard assessment requirement was not fulfilled.

iii. For students entering the freshmen cohort prior to 2022-2023, the portfolio requirement may be satisfied by completing a portfolio aligned to one course in each corresponding LEAP 2025 assessment pair that was not fulfilled by the standard assessment requirement.

2. Pursuant to *Bulletin 741, §707*, for a transfer student transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program, proficiency shall be demonstrated via successful completion of coursework and the issuance of Carnegie credit. A transfer student is not required to take the LEAP 2025 assessment in the courses that were transferred and accepted as Carnegie credit. For the purposes of appeals eligibility, a portfolio of work need not be completed for coursework fulfilled for transferred Carnegie credit.

E. Monitoring Progress and Responsibilities for Appeals Eligibility.

1. The SBLC shall monitor the progress of each student, who has not met a least one assessment requirement for graduation. The SBLC shall ensure that the student:

a. receives appropriate academic supports in any and all subjects for which the standard assessment requirement was not achieved. Additionally, each individual student graduation plan shall outline all academic

supports provided. Progress, pursuant to such specified academic supports, shall be reviewed at least once throughout the school year in order to determine needed adjustments as well as effectiveness;

b. completes 30 hours of required remedial or co-requisite instruction for the LEAP 2025 exam in which the standard assessment requirement was not achieved, per *Bulletin 741*, §2318 and §2319;

c. is provided dropout prevention and mentoring services, based on proven strategies to retain and graduate at-risk students. The LDOE shall make available to LEAs, a list of strategies, as well as technical assistance needed to offer students such services; and

d. is scheduled for a meeting in order to determine eligibility for local career support with a representative from a Workforce Innovation Opportunities Act Provider, Vocational Rehabilitation Services Provider, or other local career support agency and its affiliated providers.

F. Appeals Consideration.

1. The SBLC shall review and consider individual student appeals for any student, who meets the appeal requirements, as outlined in Subsection D. Additionally, the SBLC may consider the following in determining an appeal decision:

a. the course grade awarded for the course which the student did not attain the standard assessment requirement for graduation on the LEAP 2025;

b. the score achieved on each LEAP 2025 assessment for which the student did not attain the standard assessment requirement for graduation;

c. the score achieved on the ACT, ACT WorkKeys, and, if applicable, TOPS or TOPS Tech scholarship eligibility;

d. the rigor of secondary coursework, including, successful completion of honors courses, Advanced Placement courses, IAB, and/or dual enrollment courses;

e. completion of a sequence of courses for an IBC within the Career Diploma;

f. the strength of an attained IBC in alignment with definitions outlined in *Bulletin 111*, §709;

g. overall preparedness for postsecondary success, including letters or certificates of acceptance to post-secondary institutions; and

h. any other academic information designated for consideration by the LEA for appeal consideration by the SBLC.

G. For students meeting the requirements outlined in Subsection D, the SBLC may determine that the student is eligible to graduate, subject to final approval of the Local Education Agency (LEA) head. A student who appeals the assessment requirement for graduation may graduate and receive a high school diploma on the basis of the committee decision by majority and the LEA head. This subsection does not create a property interest in graduation. The decision of the SBLC and LEA head is final and may not be appealed. Should an SBLC and LEA head not recommend a student for graduation eligibility by appeal, a student may only graduate through standard assessment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), repromulgated LR 41:1483 (August 2015), LR 49:

§2322. Senior Projects

[Formerly §2321]

A. A senior project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a senior project in partial fulfillment of the requirements for an academic endorsement shall develop local policy for senior projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level senior project committee.

2. Each student must have a senior project mentor.

3. Students must successfully complete the four components listed below with a score of satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the LDOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the senior project process; and

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director