



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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February 10, 2021

## MEMORANDUM

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TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Raymond E. Garofalo, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director   
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the December 20, 2020, Notice of Intent that was promulgated on pages 87-93 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the April 20, 2021, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:sir

Attachment (1)

- c: Shalyric Self, Secretary, Senate Committee on Education  
Cheryl Serrett, Analyst, Senate Committee on Education  
Elizabeth Borne, Legislative Analyst, House Committee on Education  
Lisa Lovello, Legislative Analyst, House Committee on Education  
Ryan Gremillion, Chief of Staff, Legislative Affairs and Policy, LDE  
Shan N. Davis, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

**Shan N. Davis**  
Executive Director

**Cade Brumley**  
State Superintendent

# Notices of Intent

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System  
(LAC 28: XI.301, 405, 409, 413, 501, 503, 601, 603, 605, 607, 703, 705, 709, 903, 907, 909, 3503, 3603, 3605, 3901, 3903, 3905, 4101 and 4103)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Proposed amendments are related to the following: a skip-year formula to calculate the progress index for 2021 school performance scores without LEAP 2025 scores from the 2019-2020 school year; a one-year provision for identification of Comprehensive Intervention Required (CIR) and Urgent Intervention Required (UIR) labels due to the cancellation of spring assessments and accountability results for the 2019-2020 school year; adjusted timelines to allow flexibility in the event of a future pandemic or natural disaster; language alignment for statewide assessment and corresponding achievement levels that transition from End-of-Course tests to LEAP 2025 high school and from LAA1 to LEAP Connect; clarification for the inclusion of English Language Proficiency Test (ELPT) scores at pair/share sites; alternative school accountability; and Office of Juvenile Justice accountability to align with alternative school accountability and overlapping measures.

#### Title 28

#### EDUCATION

#### Part XI. Accountability/Testing

#### Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

#### Chapter 3. School Performance Score Component

#### §301. School Performance Score Goal [Formerly LAC 28:LXXXIII.301]

#### A. - C.1. ...

2. Beginning in 2017-2018 (2018 SPS), the school performance score for K-8 schools will include an assessment index, progress index, and dropout/credit accumulation index. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

Index	Grades	Beginning in 2017-18	No Later than 2019-20
3-8 and high school LEAP 2025, LEAP Connect, and ELPT*	Grades K-7	75 percent	70 percent
Progress Index	Grades K-8	70 percent	65 percent
Dropout/Credit Accumulation Index	Grades K-8	25 percent	25 percent
Interests and Opportunities	Grade 8	5 percent	5 percent
	Grades K-8	NA	5 percent

\*Beginning in 2018-19

3. Beginning in the 2017-2018 school year (2018 SPS), the school performance score for schools with a grade 12 will include five indicators as outlined in the table below. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

Index	Grades	Beginning in 2017-2018	No Later than 2019-2020
High school LEAP 2025, LEAP Connect, and ELPT*	Grades 9-12	12.5 percent	12.5 percent
Progress Index	Grades 9-12	12.5 percent	12.5 percent
ACT/WorkKeys**	Grade 12 and graduating students with last enrollment as grade 11	25 percent	25 percent
Strength of Diploma Index	Grade 12	25 percent	25 percent
Cohort Graduation Rate	Grade 12	25 percent	20 percent
Interests and Opportunities	Grades 9-12	NA	5 percent

\*Beginning in 2018-19

\*\*When calculating a school's ACT index score, students participating in the LEAP Connect assessment shall not be included in the denominator of such calculation unless the students take the ACT.

#### 4 - 5.a. ...

b. The 9-12 SPS will be weighted by the sum of:

i. assessment units from students who are initial testers for high school LEAP 2025 plus the students eligible to test ACT (students with high school LEAP 2025 and ACT will count only one time);

#### 5.b.ii. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:1372 (October 2020), LR 47:

#### Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

#### §405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

#### A. - G. ...

H. When eighth grade students only participate in the algebra I test but not the grade-level math assessment, the algebra I test results will be used in the middle school assessment index (80 for basic; 100 for mastery, and 150 for

advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:
  - a. advanced = 50; and
  - b. mastery = 25.

I. The policy outlined in Subsection G of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:

**§409. Calculating a 9-12 Assessment Index**  
**[Formerly LAC 28:LXXXIII.409]**

A. All operational high school LEAP 2025 tests will be used in the calculation of the grade 9-12 assessment index.

1. All subjects will be weighted equally.
2. The performance level will be used in the calculation of the assessment index as described in the chart below.

High School LEAP 2025 Performance Level	Index Points
Advanced	150
Mastery	100
Basic	80
Approaching Basic	0
Unsatisfactory	0

3. Test scores of basic, mastery, or advanced earned by students at a middle school will be included in the SPS calculations of the high school to which the student transfers as well. The scores for the high school will be included in the accountability cycle that corresponds with the students' first year of high school. LEAP 2025 approaching basic and unsatisfactory achievement levels will not be transferred, or banked, to the high school. Students will retake the test during summer remediation or at the high school, and the highest achievement level earned by the student from the first (middle school) or second administration of the test will be used in the calculation of the high school assessment index in the first year of high school.

4. Students who are completing their third year in high school must have taken the algebra I and English II tests, or LEAP connect. If they do not, the students will be assigned a score of zero and be counted as non-participants in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment or program assignment.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006),

amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:222 (February 2019), LR 46:14 (January 2020), LR 47:

**§413. Dropout/Credit Accumulation Index Calculations**

**[Formerly LAC 28:LXXXIII.413]**

A. - B.4. ...

5. For students pursuing a Jump Start diploma pathway and participating in LEAP Connect, applied courses and course experiences shall count as a unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 36:1990 (September 2010), LR 38:3107 (December 2012), LR 39: 2443 (September 2013), LR 40:1315 (July 2014), LR 44:449 (March 2018), LR 47:

**Chapter 5. Progress Index Calculations**

**§501. Calculating an Elementary/Middle School Progress Index**

A. - E. ...

F. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 5 and who have eligible LEAP assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index (growth to mastery and value-added model) if any of the following are true:

G. - G.2. ...

H. If the high school LEAP 2025 result earned by students at a middle school is transferred, or banked, to the high school, the progress index result for the relevant assessment will also be transferred.

I. For the 2020-2021 school year (2021 SPS) only, the "growth to mastery" and "continued growth" targets will be calculated using the scale scores from the 2018-2019 LEAP 2025 administration as the "prior year scale score."

J. When considering prior academic achievement up to three years in the value-added model, as defined in E.1 of this section, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

K. For the 2020-2021 school year (2021 SPS) only, the progress index will combine results from the 2018-2019 and 2020-2021 school years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:449 (March 2018), LR 47:

**§503. Calculating a High School Progress Index**

A. ...

B. Progress is measured between a student's 8th grade ELA and math assessments and the LEAP 2025 ELA and math assessments (algebra I, geometry, English I, and English II).

1. If a student took only the high school LEAP 2025 assessment in middle school, the middle school progress index results will carry forward to the high school.

2. ...

C. For students scoring unsatisfactory, approaching basic, or basic on the baseline assessment, the progress index will award 150 points for each English and math score meeting or exceeding the growth to mastery target.

1. The growth to mastery target for students taking their first high school LEAP 2025 in a content area will be calculated by adding to the baseline scaled score the difference between the scaled score required for mastery (750) and the baseline scaled score divided by two. The growth to mastery target for students taking their second high school LEAP 2025 in a content area will be mastery (750).

2. ...

D. For students scoring mastery on the baseline assessment, the progress index will award 150 points for meeting or exceeding the "continued growth" target.

1. The continued growth target will be calculated by adding to the baseline scaled score the difference between the English II and geometry scores required for advanced and the prior year assessment scaled score divided by two. For students taking their second high school LEAP 2025 in a content area, the continued growth target is a score of advanced.

D.2. - H.3. ...

I. For the 2020-2021 school year (2021 SPS) only, the "growth to mastery" and "continued growth" targets will be calculated using the scale scores from the 2018-2019 LEAP 2025 administration as the "prior year scale score."

J. When considering prior academic achievement up to three years in the value-added models, as defined in E.1 of this section, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

K. For the 2020-2021 school year (2021 SPS) only, the progress index will combine results from the 2018-2019 and 2020-2021 school years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:450 (March 2018), LR 47:

### Chapter 6. Inclusion in Accountability

#### §601. State Assessments and Accountability

[Formerly §515]

A. - A.2. ...

B. Louisiana students in grades 9, 10, 11, and 12 will participate in at least one of the following state assessments:

1. High school LEAP 2025 (when they are enrolled in the course for which a test is available);

2. LEAP Connect alternate assessment;

B.3. - C. ...

D. High school LEAP 2025 scores for repeaters (in any subject) shall not be included in high school SPS calculations except for middle school students who earn a score of unsatisfactory or approaching basic and retake the high school LEAP 2025 test.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:2422 (October 2005), LR 32:1022 (June

2006), LR 33:253 (February 2007), LR 36:1990 (September 2010), LR 37:2119 (July 2011), LR 38:1212 (May 2012), LR 38:3107 (December 2012), 39:2443 (September 2013), LR 40:2507 (December 2014), LR 44:452 (March 2018), LR 47:

#### §603. Inclusion of Students

[Formerly §517]

A. ...

1. For high school LEAP 2025 tests taken in December the score will count in the SPS at the school where the student is enrolled for the test.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 31:2422 (October 2005), LR 31:2764 (November 2005), LR 33:2594 (December 2007), LR 38:3107 (December 2012), LR 39:305 (February 2013), LR 40:1315 (July 2014), LR 44:452 (March 2018), LR 47:

#### §605. Inclusion of Schools

[Formerly §519]

A. All kindergarten through eighth grade schools must have a minimum of 120 testing units, in any combination, of LEAP, ELPT or LEAP connect assessments.

B. - B.1. ...

2. first through eighth grade and high school LEAP 2025, Connect, ELPT, or ACT assessments.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 32:1022 (June 2006), LR 34:431 (March 2008), LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 40:2507 (December 2014), LR 41:1263 (July 2015), LR 44:453 (March 2018), LR 45:396 (March 2019), LR 45:749 (June 2019), LR 47:

#### §607. Pairing/Sharing of Schools with Insufficient Test Data

[Formerly §521]

A. ...

B. Any K-3 school will receive an SPS calculated according to the formula in LAC 28:XI.301 using the K-8 assessment index based only on its own student data, provided it meets the requirements of LAC 28:XI.605, or an SPS calculated according to the formula in LAC 28:XI.301 using the K-8 assessment index based only on its own student data and the K-8 progress index equal to the K-8 progress index of the school to which it is paired, whichever results in the higher SPS.

1. For the 2020-2021 school year (2021 SPS) only, K-4 schools shall have the 2019 K-8 progress index results combined with the 2021 K-8 progress index results of the school to which the school is paired if the addition of the progress index results yields a higher SPS.

2. Beginning in 2020-2021, the assessment index for K-2 schools will include the ELPT progress points for the students enrolled at the K-2 school and the LEAP 2025 test data for students who are enrolled at the paired school site.

C. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 30:1445 (July 2004), LR 32:1023 (June 2006),

LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 39:1422 (June 2013), LR 40:1315 (July 2014), LR 44:453 (March 2018), LR 44:1997 (November 2018), LR 45:1450 (October 2019), LR 47:

**Chapter 7. Graduation Cohort, Index, and Rate**  
**[Formerly Chapter 6]**

**§703. Determining a Cohort for a Graduation**  
**[Formerly §603]**

A. - C.2.c. ...

3. Specific documentation is required for students to be considered legitimate leavers.

a. The only acceptable documentation for transfers to out-of-state or approved non-public school diploma awarding schools is a request for student records from the qualifying school or program, a letter from an official in the receiving school or program acknowledging student enrollment, or a note written and signed by the parent including a reason for exit that confirms the exit type used to remove student from enrollment.

C.3.b. - J. ...

K. Students assessed using the LEAP Connect shall be included in the graduation rate for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 33:424 (March 2007), LR 33:2031 (October 2007), LR 35:2312 (November 2009), LR 36:2242 (October 2010), LR 36:2840 (December 2010), LR 38:3108 (December 2012), LR 40:1316 (July 2014), LR 43:302 (February 2017), LR 44:454 (March 2018), LR 47:

**§705. Documenting a Graduation Index**  
**[Formerly §611]**

A. Beginning with academic year 2005-2006, all schools are required to maintain the following documentation if the corresponding exit code is used.

Exit Code/Documentation		
Code	Descriptions	Required Documentation
07	Death (of student) or permanent incapacitation	Letter from parent or obituary
10	Transferred out of state or country	Request for records from the receiving school (out of state). Request for records or a statement written and signed by the parent. Documentation proving a student was a foreign exchange student.
14	Transferred to approved non-public school (must award high school diplomas)	Request for records from the receiving school or a statement written and signed by the parent
16	Transferred to BESE-approved home study	LDE Approval letter
20	Transferred to Early College Admissions Program	School withdrawal form and request for records from the College or University and proof of full-time enrollment in an academic program

B. - E. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 35:639 (April 2009), LR 35:2312 (November 2009), LR 36:2242 (October 2010), LR 36:2841 (December 2010), LR 38:3108 (December 2012), LR 40:1316 (July 2014), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 47:

**§709. Calculating a Strength of Diploma Index**  
**[Formerly §613]**

A. ...

B. The graduation index of a school shall be the average number of points earned by cohort members, except that students assessed using the LEAP Connect shall be included in the graduation index for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

B.1. - D. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:

**Chapter 9. Urgent Intervention and Comprehensive Intervention**

**§903. Inclusion of Students in the Subgroup Component Performance [Formerly §703]**

A. - A.2. ...

B.1. In calculating the school performance score:

a. the alternate academic achievement standards for students participating in LEAP Connect will be used, provided that the percentage of students assessed using the LEAP Connect at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. The students exceeding the cap shall be assigned a 0 on the assessment and be considered non-proficient if:

i. ...

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LEAP Connect;

b. - b.i. ...

2. Students participating in LEAP Connect shall be included in the students with disabilities subgroup.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2256 (October 2004), amended LR 30:2445 (November 2004), LR 31:912 (April 2005), LR 31:2762 (November 2005), LR 33:253 (February 2007), LR 34:428 (March 2008), LR 34:867 (May 2008), LR 36:1991 (September 2010), LR 37:2119 (July 2011), LR 38:3110 (December 2012), LR 40:2507 (December 2014), LR 44:456 (March 2018), LR 47:

**§907. Urgent Intervention Required**

A. - C. ...

D. For application of the Urgent Intervention Required label in the 2020-2021 (2021 SPS) academic year only, the following rules shall apply:

1. A school that does not have the "urgent intervention required" label for a particular subgroup shall not receive the "urgent intervention required" label for that subgroup unless the following criteria are met:

a. the school has earned a subgroup performance score equivalent to an "F" letter grade for that subgroup in 2018-2019 (2019 SPS) and 2020-2021 (2021 SPS), and

b. the school system has notified the LDE that it wishes to receive the label.

2. A school that does not have the "urgent intervention required" label for excessive out of school discipline shall not receive the "urgent intervention required" label unless the following criteria are met:

a. the school has excessive out-of-school suspension rates more than double the most recent national average for the school type for the 2017-2018 (2018 SPS), 2018-2019 (2019 SPS), and 2020-2021 (2021 SPS) school years, AND

b. the school system has notified the LDE that it wishes to receive the label.

3. A school that has been labeled "On Track to Exit" by the LDE for an "urgent intervention required" label may exit the label based on 2020-2021 (2021 SPS) results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), LR 47:

**§909. Comprehensive Intervention Required**

A. - D. ...

E.1. For the 2020-2021 (2021 SPS) school year only, a school that does not have the "comprehensive intervention required" label shall not receive the "comprehensive intervention required" label unless the following criteria are met:

a. the school has earned a "D" or "F" letter grade for 2017-2018 (2018 SPS), 2018-2019 (2019 SPS), and 2020-2021 (2021 SPS), or for 2018-2019 (2019 SPS) and 2020-2021 (2021 SPS) for a new school, or the school earned a cohort graduation rate less than 67 percent in the most recent school year; and

b. the school system has notified the LDE that it wishes to receive the label.

2. A school that has been labeled "On Track to Exit" by the LDE for the "comprehensive intervention required" label may exit the label based on 2020-2021 (2021 SPS) results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), LR 47:

**Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability**

**§3503. Alternative Schools Including Alternative Charter Schools**

[Formerly LAC 28:LXXXIII.3503]

A. - C.3. ...

D. School Performance Scores (SPS). Starting with the 2018-2019 academic year, all alternative education schools 1 will receive a school performance score and school letter grade based on the following formulas in this Subsection.

1. School performance scores for kindergarten through eighth grade alternative education schools will include a progress index and dropout credit accumulation index for schools with applicable students. An interests and opportunities indicator will be included in school performance scores no later than the 2019-2020 school year (2020 SPS).

K-8 Alternative School Performance Score Indices and Weights			
Index	Grades	Beginning in 2018-2019	No Later than 2019-2020
Progress Index*	Grades K-8	90 percent	85 percent
Dropout/ Credit Accumulation Index	Grade 6-8	10 percent	10 percent
Interests and Opportunities	Grades K-8	N/A	5 percent

\*Includes English Language Proficiency progress

2. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:

**Chapter 36. Specialized Accountability for Office of Juvenile Justice (OJJ) Schools**

**§3603. Student Information System**

A. - A.7. ...

8. state assessment scores (LEAP 2025, ACT, LEAP Connect, ELPT, WorkKeys);

9. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2126 (November 2017), LR 47:

**§3605. Specialized Accountability System**

A. - C. ...

D. The alternative school accountability report card shall be considered as the specialized school and district report cards for OJJ, which will include results from the following measures:

1. growth measures from the LEAP 2025 assessments using the progress index calculation for alternative schools:

a. students must meet full academic year requirements for alternative schools;

2. percentage of students earning a high school diploma as calculated in the credential attainment index for alternative school accountability:

a. - b. ...

3. percentage of students earning a high school equivalency diploma (HiSET) as calculated in the credential attainment index for alternative schools;

a. - b. ...

4. percentage of students in grade 12 who earn a Jump Start credential/IBC as calculated in the credential attainment index for alternative schools;

5. percentage of students who earn credits as calculated in the core academic credit index for alternative schools;

6. - 7. ...

E. At the end of each school year, the results of measures identified in this Section will be reviewed and specific annual targets for improvement will be developed by the LDE for implementation in the next school year. The LDE will review the alternative school accountability report card at the end of each year and adjust targets as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2127 (November 2017), LR 47:

**Chapter 39. Inclusion of Students with Disabilities**

**§3901. Assessment of Students with Disabilities**

[Formerly LAC 28:LXXXIII.3901]

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the 3-8 or high school LEAP 2025; ACT, LEAP Connect, or Louisiana English language proficiency test (ELPT) shall be included in the calculation of the SPS. Students with disabilities shall take the assessments with accommodations, if required by their individualized education program (IEP).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 36:1994 (September 2010), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**§3903. LEAP Alternate Assessment Participation Criteria**

[Formerly LAC 28:LXXXIII.3903]

A. Students with disabilities participating in the LEAP Alternate Assessment, LEAP Connect, must meet specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**§3905. Inclusion of Alternate Assessment Results**

[Formerly LAC 28:LXXXIII.3905]

A. All SPS shall include LEAP Connect scores.

B. Each LEAP Connect exam will be assigned one of four achievement levels and each achievement level will be assigned points for use in assessment index calculations as follows.

LEAP Connect Performance Level	Assessment Points
Level 4: High Complexity	150
Level 3: Moderate Complexity	100
Level 2: Low Complexity	80
Level 1: Low Complexity	0

1. Students taking LEAP Connect exams shall be included in accountability calculations at the grade level in which they are enrolled in the student information system (SIS). As with LEAP 2025 high school assessments, only

initial test scores are used in accountability for LEAP Connect high school grades.

C. Students participating in LEAP alternate assessment level 1 LEAP connect will be assigned scores of zero in SPS calculations if they do not meet the specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005), LR 33:254 (February 2007), LR 35:2031 (October 2008), LR 35:640 (April 2009), LR 35:641 (April 2009), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**Chapter 41. Data Collection and Data Verification**

**§4101. Valid Data Considerations**

[Formerly LAC 28:LXXXIII.4101]

A. - A.2.c. ...

B. A test score shall be entered for all eligible students within a given school. For any eligible student who does not take the test, including those who are absent, a score of "0" on any state-administered assessment used in the SPS shall be calculated in the school's SPS. To assist a school in dealing with absent students, the Louisiana Department of Education shall provide an extended testing period for test administration. The only exceptions to this policy are students who were sick during the test and re-testing periods and who have formal documentation for that period.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005), LR 33:254 (February 2007), LR 35:2031 (October 2008), LR 35:640 (April 2009), LR 35:641 (April 2009), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:

**§4103. State Assessment Data**

[Formerly LAC 28:LXXXIII.4103]

A. For all data used from state assessments:

1. if there is evidence of irregular data or an Unusual Data Result (UDR), the LDE shall require the LEA to investigate. The LEA shall report the results of the investigation to the State Superintendent of Education;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003), amended LR 32:1029 (June 2006), LR 38:3115 (December 2012), LR 47:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, 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 the 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 12 p.m. (noon), February 9, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station,

Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. 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

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System

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

The proposed rule has no anticipated impact to costs or savings to state or local governmental units as a result of the proposed revisions to the methodology used to calculate school performance scores (SPS). The proposed revisions provide for a skip-year formula to calculate the progress index for 2021 school performance scores without LEAP 2025 scores from the 2019-2020 school year. According to Department of Education (LDE) modeling, it is anticipated that using a skip-year formula will not significantly affect a school's SPS, prompting potential interventions. It is unknown how these revisions may impact SPS in future years.

In addition, there will be an indeterminable impact for local school systems as a result of the proposed revision to withhold identifying schools as Urgent Intervention Required (UIR) or Comprehensive Intervention Required (CIR), unless certain criteria have been met. It is anticipated that the number of newly identified UIR and CIR schools will decline and the number of currently identified UIR and CIR schools may remain stable. Potential implications for schools which are labelled UIR or CIR include increased resource needs for evidence-based intervention and improvement programs; increased potential for students to enroll at other public and nonpublic schools; increased competition from charter schools; as well as increased risk of takeover by the state Recovery School District.

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

Federal revenues for local school districts and other public schools may be impacted to the extent schools are able to exit UIR or CIR status, resulting in fewer schools eligible for Title I competitive grant allocations and other interventions.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
2101#056

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office