



# Louisiana Developmental Disabilities Council



SELF-DETERMINATION ♦ INDEPENDENCE ♦ PRODUCTIVITY ♦ INTEGRATION ♦ INCLUSION

## Analysis of Louisiana Department of Education policy recommendations for Bulletin 1530 related to Act 833 of 2014

Recommendations by LDE to Bulletin 1530<sup>i</sup> create significant limitations on how IEP teams may establish performance requirements and limit the students eligible for consideration of these alternative pathways that far exceed the letter or spirit of Act 833. The major differences between the recommended policy language and Act 833 involve:

1. Which students are eligible;
2. What IEP teams are required or allowed to establish relevant to promotion and graduation from 'minimum performance requirements' to 'alternative methods of demonstrating proficiency;'
3. Which grade levels can have promotion determinations made by the IEP; and,
4. Which high school courses can have performance requirements established by IEP teams.

### **Eligibility**

It is recommended that the word 'shall' is changed to 'may' in the proposed language in Bulletin 1530 §401 and §403 to indicate the alternative pathway for promotion is an option, but not required, for all students who meet eligibility requirements.<sup>ii</sup>

Act 833 clearly indicates student eligibility is based on how a student has performed relative to state-established benchmarks on state assessments or promotion criteria established at the local or state level.<sup>iii</sup> LDE's recommendations for revising policy indicate student eligibility is based on whether the student is pursuing regular state academic standards. The LDE language to describe eligible students is both undefined (i.e., there is no 'regular' state academic standards) and inconsistent with federal and state law (i.e., every student should be pursuing the state academic standards).

There is only one set of state academic standards and every student is required to have access to and make progress toward those standards. Federal law (IDEA) indicates that the IEP for each child with a disability must include a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum. Therefore this language recommendation by LDE for Bulletin 1530 revisions provides no clarity as to which students would be eligible and may create confusion as to whether all students should be pursuing the state academic standards.

However, discussions with LDE staff indicate the intent is to not allow students on the alternate assessment level one (LAA-1) access to the alternative pathway for promotion and graduation. Even though LAA-1 evaluates the progress of students toward the general education standards, it appears that LDE intends to enforce the eligibility requirement that students on LAA-1 are not eligible for consideration of an alternative pathway to promotion and graduation. This restriction in eligibility criteria is clearly beyond the language and the intent of Act 833.

Clearly, students on LAA-1 are not meeting state-established academic benchmarks. The LDE's proposed policy language recommendations would restrict access to an alternative pathway by disallowing consideration for students who have been arbitrarily determined to be on LAA1.

### Promotion Eligibility

The first sentence in LDE's recommended revisions to Bulletin 1530 §403 (Requirements for Promotion) omits a reference to local promotion requirements. There is also a limitation of determinations based only on student performance in grades three and seven. While most issues related to promotion have been caused by state established retention policies at fourth and eighth grades, Act 833 does not restrict considerations of IEP determinations for promotion at any grade in which the student meets eligibility.<sup>iv</sup>

### **Proficiency vs. Performance Requirements**

Act 833 requires IEP teams of eligible students to establish minimum performance requirements relevant for awarding course credits necessary for graduation requirements.<sup>v</sup> However, the LDE recommendations include multiple references that indicate the IEP team is to 'establish alternative methods of demonstrating proficiency' that is never referenced or indicated in Act 833. Act 833 clearly indicates requirements for eligibility include student performance that has not met state-established benchmarks for proficiency on standardized tests.<sup>vi</sup>

What is the difference between performance and proficiency? The difference between these two terms speaks to the core of what Act 833 corrected for students with disabilities in Louisiana. Performance indicates the degree of achievement whereas proficiency indicates whether a certain level was achieved. Think of performance as a score and proficiency as a label attached to that score. In Louisiana, each student's raw score on iLEAP, LEAP or End-of-Course tests would be their performance. Each student's proficiency level is determined by how their score matches up to cut-off scores established for the labels of Unsatisfactory, Approaching Basic, Basic, Mastery, or Advanced for LEAP and Needs Improvement, Fair, Good or Excellent for End-of-Course tests.

Cut-off scores (i.e., performance or raw scores) for each achievement (i.e., proficiency) level on each test (i.e., iLEAP, LEAP and EOCT) are determined by committees of people.<sup>vii</sup> Act 833 shifted the committee for determining cut-off scores of certain students for the purposes of promotion and graduation to be those people closest to the student.

Act 833 clearly specifies that, for eligible students, the IEP will include minimum performance requirements, including but not limited to end-of-course assessments, for purposes of promotion and graduation.<sup>viii</sup> In the shift of language used by LDE, IEP teams will not be able to determine alternative performance levels on end-of-course tests, but 'shall have the option of determining an alternative method for the student to demonstrate proficiency in order to fulfill graduation requirements' (Bulletin 1530 §401 and §405 proposed language). What are the implications of this shift? Teacher and school performance is measured on how well students perform on standardized

tests. For students on alternative pathways for promotion and/or graduation, this change in language will remove any incentive for the students to achieve any particular score on these measures of proficiency. Furthermore, in indicating that alternative methods of demonstrating proficiency must be used to determine graduation requirements, it seems to be limiting IEP teams from establishing minimum performance scores on End-of-Course tests, since these tests are standardized and therefore not 'alternative methods' of demonstrating proficiency.

### **Promotion Determinations Restricted to Fourth and Eighth Grades**

While most issues related to promotion have been caused by state-established retention policies at fourth and eighth grades, Act 833 does not restrict IEP teams from determining performance requirements for promotion purposes for students in school systems with local pupil progression policies that do not take into account the student's individualized situation and needs. However, language recommended by LDE to Bulletin 1530 §403 would limit IEP teams to only make promotion determinations for students who entered fourth and eighth grades, or conceivably a student who did not pass.

### **Limiting High School Courses for Establishing Minimum Performance Requirements**

The LDE's recommended policy revision adds a restriction that IEP Team determinations shall only apply to a course "in which there is a required state assessment" that is not contained in Act 833;<sup>ix</sup> and, fails to provide clarification that IEP Teams shall not be required to use the assessments made available by LDE in establishing minimum score requirements.<sup>x</sup> Act 833 requires IEP Teams to establish minimum performance requirements for awarding course credit relevant to promotion and graduation requirements without restriction to the courses based on whether the course has a state assessment.

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<sup>i</sup> [Louisiana Department of Education policy recommendations to Bulletin 1530: Louisiana's IEP Handbook for Students with Exceptionalities](#)

<sup>ii</sup> Act 833 of 2014, p.2, lines 22-24 and p.3, line 29

<sup>iii</sup> Act 833 of 2014, p.3, lines 6-12 and lines 25-28

<sup>iv</sup> Act 833 of 2014, p.3, lines 6-12

<sup>v</sup> Act 833 of 2014, p.4, lines 4-8

<sup>vi</sup> Act 833 of 2014, p.3, lines 6-12 and lines 25-28

<sup>vii</sup> [Cut Scores: Results May Vary](#) (2000) Horn, C., Ramos, M., Blumer, I., and Madaus, G.. The National Board on Educational Testing and Public Policy, Monographs, Vol. 1., N. 1

<sup>viii</sup> Act 833 of 2014, p.4, lines 4-8

<sup>ix</sup> Act 833 of 2014, p.4, lines 4-6

<sup>x</sup> Act 833 of 2014, p.4, lines 10-11