



# Louisiana Developmental Disabilities Council



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Synopsis of La. Department of Education Interpretation and Guidance of Act 833:  
September 30, 2014

The Department of Education has redefined how school systems should implement Act 833 that disregards this alternative pathway for most students with disabilities. Based on the LDE webinars and other information here is the LDE interpretation of Act 833 and the issues advocates have with this interpretation.

1. Students with the most significant cognitive disabilities, i.e., those eligible for the La. Alternate Assessment – 1 (LAA-1) may receive a diploma if they can achieve a certificate of achievement and meet one of the three criteria of employment, demonstration of employment and self-help skills, or access services beyond educational options. The Department has repeatedly referred to this pathway as the “LAA-1 Diploma” and has indicated that it is not a ‘real’ diploma. Students who earn this diploma will be eligible to continue receiving services at a high school until they reach the age of 22 years.

Advocates are pleased that the LDE recognizes an alternative pathway to a diploma, even for students with the most significant disabilities. There are grave concerns, however, over this pathway being referred to and considered a “LAA-1” or “Special Education” Diploma and not being recognized as a true diploma by LDE.

LDE is using eligibility related to LAA-1 as eligibility criteria for a separate alternative pathway to graduation that is not available to students eligible under Act 833 who do not also meet LAA-1 criteria. Act 833 makes the same alternative pathway to graduation available to any student who meets the eligibility criteria provided in R.S. 17:183.2(B)(1)(a) which reads: “if the student, for any two of the three most recent school years, or for a student in high school, the two most recent administrations of any state-established assessments required for graduation, has not otherwise met state-established benchmarks on required state assessments, the student’s Individualized Education Program team shall have the option of determining alternative pathway to graduation for the student.”

It is not clear to advocates how the Department accepts that a student on LAA-1 can earn a diploma, regardless of the school, district, and state accountability requirements related to diplomas, yet restricts access to this pathway to graduation for students who are not LAA-1.

2. For students with disabilities who are not labeled as LAA-1 eligible, consisting of approximately ninety percent (90%) of all students with disabilities, LDE interprets Act 833 as a way for the student to demonstrate proficiency on state-established

standards in courses with end-of-course tests. Furthermore, this limited interpretation of Act 833 appears to offer little difference in how most students with disabilities will be able to earn a diploma than was available to them prior to passage of Act 833. Specifically, LDE interprets Act 833 as restricted to:

- a. Courses in which end-of-course tests are required for passage to earn a diploma; application of an alternative pathway would then only apply to students enrolled in the following six courses: English II, English III, Algebra, Geometry, Biology, and U.S. History.
- b. How the student will demonstrate proficiency on the state-established standards. LDE has made it clear that the IEP team cannot establish minimum performance requirements for the student, including scores on end-of-course assessments, that differ from (or lower than) the state-established scores and requirements.
  - i. This interpretation is in direct contradiction to Act 833, which clearly specifies:
    - a) “If an Individualized Education Program team determines that state-established benchmarks on the required state assessments are no longer a condition for promotion or graduation, the team shall ... establish minimum performance requirements in the student’s IEP relevant to ...graduation requirements, including but not limited to end-of-course assessments, and shall be incorporated for awarding course credits.”
    - b) “A student...who meets eligibility criteria ... and who successfully completes the requirements of his Individualized Education Program, including performance on any assessment required for graduation determined appropriate by his Individualized Education Program team, shall be issued a high school diploma.
  - ii. Act 833 explicitly indicates that requirements established for eligible students for the purposes of graduation may vary from standard expectations. In fact, because it is clear that students may have met different standards than the standard expectations, Act 833 requires IEP teams provide the student and parent with information related to how this may impact future educational and career options.