

August 2, 2018

Superintendent John White  
Louisiana Department of Education (LDOE)  
1201 North Third St.  
Baton Rouge, LA 70802

Dear Superintendent White:

The Council would appreciate your consideration in providing additional guidance to Local Education Agencies (LEAs) in the implementation of grade promotion determinations for certain students with disabilities as specified in state law (i.e., R.S. 17.24.4.H. established through Act 833 of 2014).

The Council recognizes and applauds the LDOE for having produced numerous valuable documents related to the implementation of promotion of students with disabilities under Act 833 and for having made those documents available on the LDOE website. In spite of these documents and previous trainings provided by LDOE, recent communications with parents of students with disabilities and LEA administrators reveal widespread confusion and indicate inconsistent understanding over how to implement grade level promotion for certain students with disabilities. Some of the misunderstandings by LEA administrators of grade promotion requirements for students with disabilities were collected at a presentation on Act 833 at the July 26<sup>th</sup> Governor's Office of Disability Affairs Conference. These include:

1. Uncertainty which grade levels to apply promotion requirements of Act 833.
2. Uncertainty of whether Act 833 promotion criteria apply to students eligible under 504 or students on the alternate assessment.
3. Whether a student needs to be retained prior to applying Act 833 for grade promotion.
4. Where to find information on the LDOE website regarding promotion of students with disabilities according to Act 833.
5. Whether LEAs should wait until the 2018-2019 school year to implement grade promotion for students with disabilities according to Act 833. (Whether implementation of grade promotion under Act 833 applies to student performance from the 2017-2018 school year or earlier.)
6. Whether to apply student performance relative to local pupil progression plans for determining which students are eligible for consideration of promotion considerations under Act 833 of 2014.
7. Uncertainty of the state-established benchmarks for Act 833 promotion consideration.
  - a. Confusion between the state-established benchmarks for school accountability with the state established benchmarks relative to student eligibility for Act 833 promotion in Bulletin 1530.
8. Confusion over the relationship between a student's Individual Academic Improvement Plan required by Bulletin 1566 §701 for students who have not met

the acceptable level of performance and a student's Individualized Education Program (IEP) required by the Individuals with Disabilities Education Act (IDEA).

There are likely a myriad of reasons for the confusion and uncertainty regarding how to implement Act 833. In an attempt to provide clarity to LEAs and parents in how to implement promotion criteria for certain students with disabilities in accordance with Act 833 of 2014, the Council is making two requests.

First, is for BESE to consider reviewing and revising Bulletin 1566: Pupil Progression Plans to explicitly include information related to promotion determinations for certain students with disabilities in accordance with Act 833 of 2014. Considering Bulletin 1566 only has a single reference to another document (Bulletin 1530) related to promotion requirements indicated in Act 833, the Council recommends BESE include more explicit guidance regarding promotion of students with disabilities in Bulletin 1566.

Second, the Council is requesting LDOE provide further guidance and support to school systems in implementing grade promotion of certain students with disabilities eligible under Act 833 of 2014. Some refresher training sessions and a brief campaign to highlight actions for a student's IEP team to consider taking as the 2018-2019 school year begins relative to promotion determinations may go a long way in building a better understanding for how to implement grade promotion requirements for students eligible under Act 833.

The Pupil Progression Plan Template produced by LDOE includes clear and explicit requirements for eligibility criteria for applying Act 833 promotion determinations. A review of a few LEA pupil progression plans reveals a pattern of having copied and pasted the information provided in the LDOE Pupil Progression Plan Template related to Act 833 verbatim. While the practice of copying and pasting information verbatim from the LDOE template into the LEA policy ensures accuracy, it does not appear to ensure accuracy of understanding or implementation.

Your consideration of these requests is appreciated. Please direct correspondence to this request to Shawn Fleming, Deputy Director at the Louisiana Developmental Disabilities Council at [shawn.fleming@la.gov](mailto:shawn.fleming@la.gov).

Respectfully,



April Dunn  
Chairperson

AD:SF

cc: Jamie Wong