



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION
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November 29, 2023

The Honorable John Bel Edwards
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

RE: Declaration of Emergency
(LAC 28: CXV.717, 2321, and 2322)

Dear Governor Edwards:

Per the Louisiana Administrative Code, Title 28. Education, Part I. Board of Elementary and Secondary Education (BESE), §305.B, the President of the Board is authorized to make ad hoc decisions for the Board in times of emergency, when the Board is not in regular or special session, subject to ratification by the Board at the next scheduled meeting.

Pursuant to that authority, I, Board President Dr. Holly Boffy, have exercised the emergency provision, in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend Bulletin 741, *The Louisiana Handbook for School Administrators* (LAC 28: CXV.717, 2321, and 2322) in order to prevent imminent peril to the welfare of students, as outlined in Administrative Procedure Act, R.S.49:962. Emergency Rulemaking.

The aforementioned revisions create an appeals process for graduation. This appeals process creates a rigorous evaluation method in which during 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. This change will allow for an appeals process for graduation only. This Declaration of Emergency, effective November 29, 2023, is for a period of 180 days from adoption, or until finally adopted as Rule.

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

Sincerely,

Dr. Holly Boffy
President

HB:at

c: Jeff Landry, Attorney General
Clay Schexnayder, Speaker of the House
Patrick P. Cortez, Senate President
Jeff Truax, Director, Office of the State Register
Dr. Cade Brumley, State Superintendent of Education
Shan Davis, BESE Executive Director

Enclosure (1)

DECLARATION OF EMERGENCY

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—*Louisiana Handbook for School Administrators*. 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.

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COMPARISON DOCUMENT

Title 28

EDUCATION

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Holly Boffy
President

November 29, 2023