

SENATE BILL NO. 508 (Substitute of Senate Bill No. 288 by Senator McMath)

BY SENATOR MCMATH AND REPRESENTATIVE CARVER

1 AN ACT

2 To amend and reenact R.S. 17:100.13, relative to expanded academic support for certain  
3 low-performing students; to provide for high-dosage tutoring; to provide for  
4 high-quality tutoring providers; to provide for the responsibility of the state  
5 Department of Education; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:100.13 is hereby amended and reenacted to read as follows:

8 §100.13. Expanded academic support

9 A. Each school year, each student in grades ~~three~~ **kindergarten** through ~~eight~~  
10 **five** who failed to achieve mastery on any statewide assessment administered  
11 pursuant to the state's school and district accountability system in reading or math  
12 in the previous academic year **or performed below grade level on a literacy or**  
13 **numeracy screener in the current academic year** shall be provided expanded  
14 academic support as provided in ~~Subsection B~~ of this Section.

15 B. Each city, parish, or other local public school board shall develop ~~an~~  
16 ~~educational~~ **a** plan and supporting budget to provide expanded academic support to  
17 students identified pursuant to Subsection A of this Section ~~using federal funds~~  
18 ~~provided for educational relief due to the COVID-19 pandemic~~. The plan shall be  
19 submitted to the state Department of Education not later than September 30, 2021,  
20 **fifteenth of each year** for review and approval.

21 ~~(1) Educational plans shall adhere to state board rules and regulations~~  
22 ~~pertaining to pupil progression and individual academic improvement plans.~~

23 ~~(2) Supporting budgets shall adhere to all applicable federal and state~~  
24 ~~regulations, including but not limited to those enacted pursuant to the federal~~  
25 ~~Elementary and Secondary School Emergency Relief Fund.~~

26 C. The department shall review each plan submitted for compliance with  
27 applicable federal and state regulations, ~~including state board regulations pursuant~~

1 to pupil progression and individual academic improvement plans. The department  
 2 shall provide feedback to the local board if necessary to bring the plan into  
 3 compliance with applicable regulations.

4 ~~D. If any city, parish, or other local public school board fails to have an~~  
 5 ~~approved plan in place by August 1, 2023, the school board shall adhere to any~~  
 6 ~~revised requirements provided for in this Section or any State Board of Elementary~~  
 7 ~~and Secondary Education policy that is not inconsistent with this Section.~~

8 ~~E.D.~~ The parent or legal guardian of a **Each** student identified in need of  
 9 expanded academic support shall be provided one of the following options:

10 **(1) Prioritized placement in a class taught by a teacher labeled as "highly**  
 11 **effective" pursuant to the state's teacher evaluation system, if a highly effective**  
 12 **teacher is available in the school.**

13 ~~(1)(2) Accelerated instruction~~ **High-dosage tutoring** as provided in  
 14 ~~Subsection F of this Section~~ to commence no later than thirty days after the student  
 15 is identified in need of expanded academic support.

16 ~~(2) Prioritized placement in a class taught by a teacher labeled as "highly~~  
 17 ~~effective" pursuant to the state's teacher evaluation system, if a highly effective~~  
 18 ~~teacher is available in the school.~~

19 ~~F.E.~~ Accelerated instruction **High-dosage tutoring** provided pursuant to this  
 20 Section shall **meet all of the following criteria:**

21 ~~(1) Include targeted instruction in the subject matter of reading or math in~~  
 22 ~~which the student has failed to perform satisfactorily.~~ **Incorporate direct**  
 23 **instruction by tutors using formative assessments aligned with grade-level**  
 24 **content and Tier 1 classroom instruction.**

25 ~~(2) Be provided in addition to the instruction normally provided to students~~  
 26 ~~in the grade level in which the student is enrolled.~~ **sustained for a minimum of ten**  
 27 **weeks.**

28 ~~(3) Be provided in one-on-one or small group instruction;~~ at least three times  
 29 per week, in **approximately** thirty-minute ~~minimum~~ sessions, which ~~may~~ **shall**  
 30 be embedded in the school day ~~or provided outside of the school day.~~

1                   (4) Use assessments throughout the school year to monitor student  
2 progress. ~~Be designed to assist the student in achieving proficiency in the applicable~~  
3 ~~subject area.~~

4                   (5) ~~Be taught using~~ based on high-quality instructional materials that are  
5 aligned with state content standards and that are specifically designed for  
6 supplemental instruction.

7                   (6) ~~Be provided to a student individually or in a group of not more than five~~  
8 ~~students, unless the parent or legal guardian of each student in the group authorizes~~  
9 ~~a larger group.~~ individualized and provided at a ratio not higher than four  
10 students to one tutor.

11                  (7) Be provided by a high-quality tutor ~~person with training in using the~~  
12 ~~instructional materials pursuant to Paragraph (5) of this Subsection and who receives~~  
13 ~~ongoing oversight while providing the accelerated instruction or a high-quality~~  
14 ~~tutoring provider as defined in Subsection G of this Section. If the school board~~  
15 ~~selects a tutoring provider that has not been classified as a high-quality tutoring~~  
16 ~~provider by the state Department of Education, the school board shall apply for a~~  
17 ~~waiver from the department and stipulate how the tutoring services will be provided.~~

18                  (8) ~~To the extent possible, be~~ Be provided by a consistent tutor or by a  
19 limited, consistent set of tutors throughout ~~the same person for the entirety of the~~  
20 ~~student's supplemental instruction period.~~

21                  (9) Be provided in accordance with guidelines on research-based best  
22 practices and effective accelerated instruction strategies developed and provided by  
23 the state Department of Education.

24                  F. For purposes of this Section, the following terms shall have the  
25 following meanings:

26                  (1) "Dosage" means the total duration of tutoring, in hours, and the total  
27 number of tutoring sessions that a student receives in an academic year.

28                  (2) "High-quality instructional materials" means materials that meet all  
29 of the following criteria:

30                  (a) Are included on the state Department of Education's approved

1 curriculum list, including materials created or provided by the department.

2 (b) Use instructional resources and formative assessments fully aligned  
 3 to Louisiana's grade-level content standards for what students should know and  
 4 be able to do at the end of each school year.

5 (c) Provide guidance and support for program implementation.

6 (d) Include a high level of student and teacher interaction.

7 (e) Are designed to devote the large majority of time to the major work  
 8 of the grade or course.

9 (f) Help students develop conceptual understanding, procedural skill and  
 10 fluency, and application.

11 (g) Make meaningful and purposeful connections that promote focus and  
 12 coherence by connecting practice standards with content that is emphasized in  
 13 the standards.

14 (h) Offer assessment opportunities that measure progress and elicit  
 15 direct, observable evidence of the degree to which students can independently  
 16 demonstrate the assessed grade-specific content standards.

17 (3) "High-quality tutor" means an individual who meets at least one of  
 18 the following criteria:

19 (a) A person with training in using high-quality instructional materials  
 20 and who receives ongoing oversight while providing the high-dosage tutoring.

21 (b) Staff of a high-quality tutoring provider.

22 (c) Current or retired teachers.

23 (d) Trained paraprofessionals.

24 G.(1) For the purpose of providing ~~accelerated instruction~~ high-dosage  
 25 tutoring, the state Department of Education shall publish on its website a list of  
 26 approved high-quality tutoring providers.

27 (2) In approving high-quality tutoring providers, the department shall require  
 28 the tutoring providers to:

29 (a) Use high-quality instructional materials that are aligned with research on  
 30 effective teaching and learning and state content standards.

1 (b) Implement ~~high-impact~~ **high-dosage** tutoring practices pursuant to  
2 ~~Paragraph (F)(3) of this Section.~~

3 (c) Utilize diagnostic or assessment data to guide instruction.

4 (d) Use ~~well-trained~~ **high-quality** tutors who have passed background checks  
5 required of school employees.

6 (e) Offer tutoring through in-person services or video conferences, or both;  
7 ~~and provide all tutoring services through live, face-to-face interactions.~~

8 **(f) Provide evidence of impact on student outcomes disaggregated by**  
9 **student groups according to race, gender, ethnicity, economically disadvantaged**  
10 **students, English language learner status, disability status, and geographic**  
11 **location. Tutoring providers may demonstrate impact through either adherence**  
12 **to the program's model design by aligning with the components of high-dosage**  
13 **tutoring or by having evidence of positive and statistically significant gains in**  
14 **student learning outcomes based on a well-designed randomized controlled trial**  
15 **or quasi-experimental design that provides the basis for evidence of causal**  
16 **program impact and which is conducted by an external third-party researcher.**

17 **(g) Serve a population of students in grades kindergarten through five**  
18 **and offer tutoring in math or reading and literacy.**

19 **(h) Demonstrate tutor experience and content expertise.**

20 **(i) Establish per-student costs.**

21 **(j) Specify whether available tutoring models are in-person, virtual, or**  
22 **hybrid and the geographic regions where services can be provided.**

23 ~~(3) The department shall publish the list of high-quality tutoring providers no~~  
24 ~~later than October first of each year beginning in 2023.~~

25 ~~(4)(3)~~ Approved providers listed by the department shall be exempt from the  
26 state procurement laws.

27 H. Within fifteen calendar days of a ~~parent selecting accelerated instruction~~  
28 **student being enrolled in high-dosage tutoring**, the parent shall be provided a  
29 written plan detailing the ~~accelerated instruction~~ **high-dosage tutoring** that will be  
30 provided, including information on who will provide the instruction and when the

1 instruction will be provided. The plan shall include specific dates for progress reports  
 2 and information on the parent's role in accelerating the student's learning. **The**  
 3 **information shall be provided in a way that is accessible to the student's parent**  
 4 **or legal guardian.**

5 I.(1) Each city, parish, or other local public school board shall provide a  
 6 report by June first of each year to the state Department of Education on ~~all of the~~  
 7 following **data regarding eligible and participating students:**

8 (a) The number of **individual** students identified as needing expanded  
 9 academic support; **and related student metrics including tutoring subject, grade**  
 10 **level, prior performance on the state assessment, and demographic information.**

11 ~~(b) the~~ **The** number of **individual** students provided each type of **expanded**  
 12 academic support; **and related student metrics including tutoring subject, grade**  
 13 **level, attendance, dosage, prior performance on the state assessment, and**  
 14 **demographic information.**

15 ~~(c) and the~~ **The** number of **individual** students who failed to achieve mastery  
 16 on any statewide assessment administered pursuant to the state's school and district  
 17 accountability system **or performed below grade level on a literacy or numeracy**  
 18 **screener** during each school year ~~continuing~~ **and who continue** to need additional  
 19 academic support **and related student metrics including tutoring subject, grade**  
 20 **level, attendance, dosage, prior performance on the state assessment, and**  
 21 **demographic information.**

22 ~~(b)(d)~~ A list of the high-quality tutoring providers and any teachers used by  
 23 the local board to offer the expanded academic supports.

24 ~~(e)(e)~~ A summary of how the school day has been restructured to offer the  
 25 expanded academic supports.

26 ~~(d)(f)~~ The amount and source of **private, federal, state, or local** funds spent  
 27 on providing expanded academic supports **and how funding was used by the local**  
 28 **education agency to provide high-dosage tutoring.**

29 (2) By July first of each year, the department shall publish a **the following**  
 30 report on its website; ~~summarizing the information required by Paragraph (1) of this~~

1           Subsection by school, by school system, and statewide.

2                   **(a) A summary of the information required by Paragraph (1) of this**  
3           **Subsection reported by each school, each school system, and aggregate of all**  
4           **schools statewide, including:**

5                   **(i) How data required under this Paragraph has changed over time.**

6                   **(ii) The number of students who received high-dosage tutoring.**

7                   **(iii) The dosage and attendance of students who received high-dosage**  
8           **tutoring in the program.**

9                   **(iv) The number of students eligible for high-dosage tutoring.**

10                  **(b) Data on achievement and growth outcomes from participating**  
11           **students.**

12                  **(c) Program successes and challenges.**

13                  **(d) Recommendations for policy changes in future years in order to**  
14           **ensure every child in Louisiana can access high-dosage tutoring as needed.**

15                  **(e) An overview of actions taken to support every local education agency**  
16           **to ensure that high-dosage tutoring is available to every eligible child in**  
17           **Louisiana.**

18                  **J. The department shall create reporting templates, procedures, and**  
19           **definitions for reporting metrics for city, parish, and other local public school**  
20           **boards to use in collecting and reporting tutoring-related data to the**  
21           **department including changes in academic performance of participating**  
22           **students disaggregated by student groups according to race, gender, ethnicity,**  
23           **economically disadvantaged students, English language learner status, disability**  
24           **status, and geographic location. To the extent possible, the department shall**  
25           **leverage existing reporting processes and systems to reduce the reporting**  
26           **burden on local education agencies and public charter schools.**

27                  **K. The department shall provide training, technical assistance, and**  
28           **guidance, including but not limited to the topic of sustaining high-dosage**  
29           **tutoring through existing funding streams, to city, parish, and other local public**  
30           **school boards conducting in-school high-dosage tutoring with a priority focus**

1 on effective schedule management.

2 ~~J.L.~~ The determination of whether students are in need of additional  
3 expanded academic support shall not be used in evaluating teacher performance or  
4 determining school or district accountability scores and letter grades.

5 ~~K.(1) No state funds or obligated federal funds shall be used to implement the~~  
6 ~~provisions of this Section.~~

7 ~~(2) If funding that is compliant with Paragraph (1) of this Subsection is~~  
8 ~~unavailable, the state is not obligated~~

9 M. Local school boards shall utilize available state and federal funds to  
10 implement the provisions of this Section. If such funding is not available, a local  
11 school board shall not be obligated to provide funding to continue the expanded  
12 academic support provided for in this Section.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_