

SENATE BILL NO. 177

BY SENATORS MCMATH, BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CORTEZ, DUPLESSIS, FESI, FIELDS, FOIL, HARRIS, HENRY, HEWITT, LAMBERT, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, PEACOCK, PRICE, REESE, SMITH, STINE, WHITE AND WOMACK AND REPRESENTATIVES BRASS, CARRIER, WILFORD CARTER, COX, DAVIS, ECHOLS, FISHER, FREEMAN, FREIBERG, GAINES, HUGHES, JEFFERSON, JENKINS, TRAVIS JOHNSON, KNOX, LAFLEUR, LARVADAIN, MARCELLE, MCFARLAND, MOORE, NEWELL, SCHLEGEL, SELDERS, STAGNI, WHITE AND WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 17:100.13, relative to expanded academic supports provided for certain low-performing students; to provide relative to the students who qualify for expanded academic supports; to provide relative to accelerated instruction offered to the low-performing students; to provide relative to high-quality tutoring providers; to provide waivers; to provide relative to the responsibilities of the state Department of Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§100.13. Expanded academic support; ~~accelerated learning committees~~

A. ~~For the 2021-2022 and 2022-2023 school years,~~ **Each school year,** each student in grades ~~four~~ **three** through eight who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system **in reading or math** ~~during the 2020-2021 and 2021-2022 school years~~ **in the previous academic year** shall be provided expanded academic support **as provided in Subsection B of this Section.**

B. Each city, parish, or other local public school board shall develop an educational plan and supporting budget to provide expanded academic support to students identified pursuant to Subsection A of this Section using federal funds provided for educational relief due to the COVID-19 pandemic. Such plan shall be

1 submitted to the state Department of Education not later than September 30, 2021,
2 for review and approval.

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

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

8 C. The department shall review each plan submitted for compliance with
9 applicable federal and state regulations, including state board regulations pursuant
10 to pupil progression and individual academic improvement plans. The department
11 shall provide feedback to the local board if necessary to bring the plan into
12 compliance with applicable regulations.

13 D. ~~If, following timelines set forth by the department, a city, parish, or other~~
14 ~~local public school board fails to submit a revised plan that complies with applicable~~
15 ~~regulations, the department shall reject such plan and shall require the board to~~
16 ~~adhere to the requirements set forth in Subsection E of this Section. **If any city,**~~
17 ~~**parish, or other local public school board fails to have an approved plan in place**~~
18 ~~**by August 1, 2023, the school board shall adhere to any revised requirements**~~
19 ~~**provided for in this Section or any State Board of Elementary and Secondary**~~
20 ~~**Education policy that is not inconsistent with this Section.**~~

21 E. The parent or legal guardian of a student identified in need of expanded
22 academic support shall be provided one of the following options:

23 (1) Accelerated instruction as provided in Subsections F ~~through H~~ of this
24 Section **to commence no later than thirty days after the student is identified in**
25 **need of expanded academic support.**

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

29 F. Accelerated instruction provided pursuant to this Section shall:

30 (1) Include targeted instruction in the subject matter ~~areas~~ **of reading or**

1 ~~math~~ **math** in which the student has failed to perform satisfactorily.

2 (2) Be provided in addition to the instruction normally provided to students
3 in the grade level in which the student is enrolled.

4 (3) ~~Be provided for not less than thirty total hours during the following~~
5 ~~summer and school year, and include instruction for not less than once per week.~~ **Be**
6 **provided in one-on-one or small group instruction, at least three times a week,**
7 **in thirty-minute minimum sessions, which may be embedded in the school day**
8 **or provided outside of the school day.**

9 (4) Be designed to assist the student in achieving ~~grade-level performance~~
10 **proficiency** in the applicable subject area.

11 (5) Be taught using high-quality instructional materials that are fully aligned
12 with state content standards and that are **specifically** designed for supplemental
13 instruction.

14 (6) Be provided to a student individually or in a group of not more than
15 ~~twelve~~ **five** students, unless the parent or legal guardian of each student in the group
16 authorizes a larger group.

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

24 (8) To the extent possible, be provided by the same person for the entirety of
25 the student's supplemental instruction period.

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

29 ~~G.(1) Each public school shall establish an accelerated learning committee~~
30 ~~for each student in grades four through eight who failed to achieve mastery on any~~

1 ~~statewide assessment administered pursuant to the state's school and district~~
 2 ~~accountability system. The committee shall be composed of the student's parent or~~
 3 ~~legal guardian, the teacher of the subject in which the student has failed to perform~~
 4 ~~satisfactorily, and the school principal or his designee. The student's parent or legal~~
 5 ~~guardian shall be notified of the time and place the committee will meet and the~~
 6 ~~purpose of the committee.~~

7 ~~(2) A student's accelerated learning committee shall, not later than August~~
 8 ~~thirty-first, develop an accelerated learning plan for the student that provides the~~
 9 ~~accelerated instruction needed to enable the student to perform on grade level by the~~
 10 ~~end of the 2021-2022 school year. The student's parent or legal guardian shall be~~
 11 ~~provided with a copy of the student's accelerated learning plan.~~

12 ~~H. If a student fails to perform satisfactorily in the same subject matter area~~
 13 ~~on a state assessment administered in the subsequent school year, the accelerated~~
 14 ~~learning committee shall:~~

15 ~~(1) Identify the reasons the student failed to perform satisfactorily.~~

16 ~~(2) Determine whether the student needs additional expanded academic~~
 17 ~~support including accelerated instruction, summer learning programs, or other~~
 18 ~~resources to meet the student's academic needs.~~

19 **G.(1) For the purpose of providing accelerated instruction, the state**
 20 **Department of Education shall publish on its website a list of approved high-**
 21 **quality tutoring providers.**

22 **(2) In approving high-quality tutoring providers, the department shall**
 23 **require the tutoring providers to:**

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

26 **(b) Implement high-impact tutoring practices pursuant to Paragraph**
 27 **(F)(3) of this Section.**

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

29 **(d) Use well-trained tutors who have passed background checks required**
 30 **of school employees.**

1 (e) Offer tutoring through in-person services or video conferences, or
 2 both, and provide all tutoring services through live, face-to-face interactions.

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

5 (4) Approved providers listed by the department shall be exempt from
 6 the state procurement laws.

7 H. Within fifteen calendar days of a parent selecting accelerated
 8 instruction, the parent shall be provided a written plan detailing the accelerated
 9 instruction that will be provided, including information on who will provide the
 10 instruction and when the instruction will be provided. The plan shall include
 11 specific dates for progress reports and information on the parent's role in
 12 accelerating the student's learning.

13 I.(1) Each city, parish, or other local public school board shall provide a
 14 report by June first ~~of 2022 and 2023~~ of each year to the state Department of
 15 Education on the all of the following:

16 (a) The number of students identified as needing expanded academic support,
 17 the number of students provided each type of academic support, and the number who
 18 failed to achieve mastery on any statewide assessment administered pursuant to the
 19 state's school and district accountability system during ~~the 2021-2022~~ each school
 20 year continuing to need additional academic support.

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

23 (c) A summary of how the school day has been restructured to offer the
 24 expanded academic supports.

25 (d) The amount and source of funds spent on providing expanded
 26 academic supports.

27 (2) ~~The~~ By July first of each year, the department shall ~~submit a report to~~
 28 ~~the Senate and House committees on education~~ publish a report on its website by
 29 ~~July first of 2022 and 2023~~ summarizing the information required by Paragraph (1)
 30 of this Subsection by school, by school system, and statewide.

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

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

6 **(2) If funding that is compliant with Paragraph (1) of this Subsection is**
7 **unavailable, the state is not obligated to provide funding to continue the**
8 **expanded academic support provided for in this Section.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____