

2024 Regular Session

SENATE BILL NO. 288

BY SENATOR MCMATH AND REPRESENTATIVE CARVER

SCHOOLS. Provides relative to required high-dosage tutoring for certain students. (8/1/24)

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AN ACT

To amend and reenact R.S. 17:100.13(A), the introductory paragraph of (B), and 100.13(B)(2), (D), (E)(1), and (2), (F), (G)(1), and (2), (H), (I), (J), and (K) and to enact R.S. 17:100.13(G)(2)(f) through (j) and (L), relative to expanded academic support for certain low-performing students; to provide relative to high-dosage tutoring; to provide relative to high-quality tutoring providers; to provide relative to the responsibility 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(A), the introductory paragraph of (B), and 100.13(B)(2), (D), (E)(1), and (2), (F), (G)(1), and (2), (H), (I), (J), and (K) are hereby amended and reenacted and R.S. 17:100.13(G)(2)(f) through (j) and (L) are hereby enacted to read as follows:

§100.13. Expanded academic support

A. Each school year, each student in grades ~~three~~ **kindergarten** through ~~eight~~ **twelve** who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system in reading or math

1 in the previous academic year shall be ~~provided~~ **eligible for** expanded academic
2 support as provided in Subsection B of this Section.

3 B. Each city, parish, or other local public school board shall develop an
4 educational plan and supporting budget to provide expanded academic support to
5 students identified pursuant to Subsection A of this Section using federal funds
6 provided for educational relief due to the COVID-19 pandemic **and state funds**. The
7 plan shall be submitted to the state Department of Education not later than
8 September 30 ~~thirtieth, 2021,~~ **of the current school year on an annual basis** for
9 review and approval.

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

12 (2) Supporting budgets shall adhere to all applicable federal and state
13 regulations; including but not limited to those enacted pursuant to the federal
14 Elementary and Secondary School Emergency Relief Fund.

15 * * *

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

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

22 ~~(1)(2)~~ ~~Accelerated instruction~~ **High-dosage tutoring** as provided in
23 Subsection F of this Section to commence no later than thirty days after the student
24 is identified in need of expanded academic support.

25 ~~(2)(1)~~ Prioritized placement in a class taught by a teacher labeled as "highly
26 effective" pursuant to the state's teacher evaluation system, if a highly effective
27 teacher is available in the school.

28 F. ~~Accelerated instruction~~ **High-dosage tutoring** provided pursuant to this
29 Section shall **meet the following criteria**:

1 (1) ~~Include targeted instruction in the subject matter of reading or math in~~
2 ~~which the student has failed to perform satisfactorily.~~

3 (2) ~~Be provided in addition to the instruction normally provided to students~~
4 ~~in the grade level in which the student is enrolled.~~ **Tutoring should incorporate**
5 **direct instruction by tutors using high-quality instructional materials; pursuant**
6 **to Paragraph (6) of this Subsection, formative assessments aligned with grade-**
7 **level content, and Tier 1 classroom instruction. Tutoring is not homework help.**

8 **(2) Tutoring is sustained, over up to forty weeks for the full school year,**
9 **but lasting for at least ten weeks with a minimum of thirty total tutoring hours.**

10 (3) ~~Be provided in one-on-one or small group instruction, at least three times~~
11 ~~per week, in thirty-minute minimum sessions, which may be embedded in the school~~
12 ~~day or provided outside of the school day.~~ **Tutoring is individualized, low student-**
13 **to-tutor ratio not higher than 4:1.**

14 (4) ~~Be designed to assist the student in achieving proficiency in the applicable~~
15 ~~subject area.~~ **Tutoring is intensive, three to five sessions per week, for at least**
16 **thirty to sixty minutes per session.**

17 (5) ~~Be taught using~~ **Tutoring is based on** high-quality instructional materials
18 ~~that are aligned with state content standards and that are specifically designed for~~
19 ~~supplemental instruction.~~ **For purposes of this Paragraph, "high-quality**
20 **instructional materials" are materials that:**

21 **(a) Are included on the Louisiana Department of Education's approved**
22 **curriculum list.**

23 **(b) Uses instructional resources and formative assessments fully aligned**
24 **to Louisiana's grade-level content standards for what students should know and**
25 **be able to do at the end of each school year.**

26 **(c) Provide guidance and support for program implementation.**

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

28 **(e) Are designed to devote the large majority of time to the major work**
29 **of the grade/course.**

1 **(f) Help students develop conceptual understanding, procedural skill and**
2 **fluency, and application.**

3 **(g) Make meaningful and purposeful connections that promote focus and**
4 **coherence by connecting practice standards with content that is emphasized in**
5 **the standards.**

6 **(h) Offer assessment opportunities that genuinely measure progress and**
7 **elicit direct, observable evidence of the degree to which students can**
8 **independently demonstrate the assessed grade-specific student standards.**

9 ~~(6) Be provided to a student individually or in a group of not more than five~~
10 ~~students, unless the parent or legal guardian of each student in the group authorizes~~
11 ~~a larger group.~~

12 ~~(7) (6) Be provided by a person with training in using the instructional~~
13 ~~materials pursuant to Paragraph (5) of this Subsection and who receives ongoing~~
14 ~~oversight while providing the accelerated instruction or a high-quality tutoring~~
15 ~~provider as defined in Subsection G of this Section. If the school board selects a~~
16 ~~tutoring provider that has not been classified as a high-quality tutoring provider by~~
17 ~~the state Department of Education, the school board shall apply for a waiver from the~~
18 ~~department and stipulate how the tutoring services will be provided. **Tutoring is**~~
19 ~~**provided by a high-quality tutor, defined as individuals who meet at least one**~~
20 ~~**of the following criteria.**~~

21 **(a) A person with training in using the instructional materials pursuant**
22 **to this Paragraph and who receives ongoing oversight while providing the high-**
23 **dosage tutoring.**

24 **(b) Staff of a high-quality tutoring provider as defined in Subsection G**
25 **of this Section.**

26 **(c) Current or retired teachers.**

27 **(d) Trained paraprofessionals.**

28 ~~(8) (7) To the extent possible, be **Tutoring is** provided by the same person~~
29 ~~for the entirety of **a consistent tutor or limited, consistent set of tutors throughout**~~

1 the student's supplemental instruction period.

2 **(8) Tutoring occurs during the school day, school embedded programs**
3 **have a significantly higher likelihood of student attendance than after-school**
4 **programs.**

5 (9) ~~Be~~ **Tutoring is** provided in accordance with guidelines on research-based
6 best practices and effective accelerated instruction strategies developed and provided
7 by the state Department of Education.

8 **(10) Tutoring uses assessments throughout the year to monitor student**
9 **progress.**

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

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

15 (a) Use high-quality instructional materials **as defined in Paragraph (F)(6)**
16 **of this Section** that are aligned with research on effective teaching and learning and
17 state content standards.

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

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

21 (d) Use ~~well-trained~~ **high-quality** tutors **as defined in Paragraph (F)(7) of**
22 **this Section** who have passed background checks required of school employees.

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

25 **(f) Provide evidence of impact on student outcomes disaggregated by**
26 **student groups according to race, gender, ethnicity, economically disadvantaged**
27 **students, English language learner status, disability status, and geographic**
28 **location;**

29 **(i) Tutoring programs can demonstrate impact through either adherence**

1 to their model design by aligning with the components of high-dosage tutoring
 2 as defined in Subparagraph (f) of this Paragraph or by having evidence of
 3 positive and statistically significant gains in student learning outcomes based on
 4 a well-designed randomized controlled trial, "RCT", or quasi-experimental
 5 design, "QED", that provides the basis for evidence of causal program impact
 6 and which is conducted by an external third-party researcher.

7 (g) Serve a population of students in grades kindergarten through twelve
 8 and offer tutoring in math or reading and literacy.

9 (h) Demonstrate tutor experience and content expertise.

10 (i) Establish per-student costs.

11 (j) Specify available tutoring models, in-person, virtual, or hybrid and
 12 geographic regions to provide services.

13 * * *

14 H. Within fifteen calendar days of a parent selecting accelerated instruction
 15 of the student being enrolled in high-dosage tutoring, the parent shall be provided
 16 a written plan detailing the accelerated instruction high-dosage tutoring that will be
 17 provided, including information on who will provide the instruction and when the
 18 instruction will be provided. The plan shall include specific dates for progress reports
 19 and information on the parent's role in accelerating the student's learning. The
 20 information shall be provided in a way that is accessible to the receiving parent
 21 or legal guardian.

22 I. The Department of Education shall create reporting templates,
 23 procedures, and definitions for reporting metrics for cities, parishes, or other
 24 local public schools boards to use in collecting and reporting tutoring-related
 25 data to the Department of Education including changes in academic
 26 performance of participating students disaggregated by student groups
 27 according to race, gender, ethnicity, economically disadvantaged students,
 28 English language learner status, disability status, and geographic location. To
 29 the extent possible the Department of Education must leverage existing

1 reporting processes and systems to reduce the reporting burden on LEAs and
2 public charter schools.

3 J. The Department of Education shall provide training, technical
4 assistance, and guidance including but not limited to the topic of sustaining
5 high-dosage tutoring through existing funding streams to cities, parishes, or
6 other local public schools boards conducting in-school high-dosage tutoring.

7 (1) With a priority focus on effective schedule management

8 f. K. (1) Each city, parish, or other local public school board shall provide a
9 report by June first of each year to the state Department of Education on all of the
10 following:

11 (a) ~~The number of students identified as needing expanded academic support,~~
12 ~~the number of students provided each type of academic support, and the number of~~
13 ~~students who failed to achieve mastery on any statewide assessment administered~~
14 ~~pursuant to the state's school and district accountability system during each school~~
15 ~~year continuing to need additional academic support.~~ Data regarding eligible and
16 participating students:

17 (i) The number of unique students identified as needing expanded academic
18 support, and related student metrics including tutoring subject, grade-level,
19 prior performance on the state assessment, and demographic information.

20 (ii) The number of unique students provided each type of academic support,
21 and related student metrics including tutoring subject, grade-level, attendance,
22 dosage, prior performance on the state assessment, and demographic
23 information.

24 (iii) The number of unique students who failed to achieve mastery on any
25 statewide assessment administered pursuant to the state's school and district
26 accountability system during each school year continuing to need additional
27 academic support, and related student metrics including tutoring subject, grade-
28 level, attendance, dosage, prior performance on the state assessment, and
29 demographic information.

- 1 **(iv) "Dosage" is defined as:**
- 2 **(aa) The total duration, in hours, of tutoring a student receives in an**
- 3 **academic year.**
- 4 **(bb) The total count, number, of tutoring sessions a student receives in**
- 5 **an academic year.**
- 6 (b) A list of the high-quality tutoring providers and any teachers used by the
- 7 local board to offer the expanded academic supports.
- 8 (c) A summary of how the school day has been restructured to offer the
- 9 expanded academic supports.
- 10 (d) The amount and source of **private, federal, state, or local** funds spent on
- 11 providing expanded academic supports.
- 12 **(e) How program grant funding was used by the LEA and a summary of**
- 13 **other resources, if any, used to provide high-dosage tutoring.**
- 14 **(f) The impact on student academic and non-academic outcomes**
- 15 **associated with the program including interim assessments or other outcomes**
- 16 **metrics.**
- 17 (2) By July first of each year, the department shall publish a report on its
- 18 website **on the following:** ~~summarizing the information required by Paragraph (1)~~
- 19 ~~of this Subsection by school, by school system, and statewide.~~
- 20 **(a) Summarizing the information required by Paragraph (1) of this**
- 21 **Subsection by school, by school system, and statewide, including:**
- 22 **(i) How data required under the subdivision has changed over time.**
- 23 **(ii) The number of students who received high-dosage tutoring.**
- 24 **(iii) The dosage and attendance of students who received high-dosage**
- 25 **tutoring in the program.**
- 26 **(iv) The number of students eligible for high-dosage tutoring.**
- 27 **(b) Data on achievement and growth outcomes from participating**
- 28 **students;**
- 29 **(c) Program successes and challenges.**

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

3 **(e) Overview of actions taken to support every LEA such that**
4 **high-dosage tutoring is available to every eligible child in Louisiana.**

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

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

10 ~~(2) If funding that is compliant with Paragraph (1) of this Subsection is~~
11 ~~unavailable, the state is not obligated to provide funding to continue the expanded~~
12 ~~academic support provided for in this Section.~~

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Mary Frances Aucoin.

DIGEST

SB 288 Original

2024 Regular Session

McMath

Present law provides relative to expanded academic support to be offered to certain students, grades three through eight, who failed to achieve mastery on any statewide assessment in reading or math in the previous academic year.

Proposed law expands academic support to certain students in grades kindergarten through 12.

Proposed law provides that failing to achieve mastery on any statewide assessment in reading or math in the previous academic year makes a student eligible for expanded academic support.

Present law defines accelerated instruction to be provided on a one-on-one or small group instruction with five or fewer students, at least three times a week, in 30 minute minimum sessions, offered through a high-quality tutoring provider selected by the school district.

Proposed law redefines accelerated instruction as "high-dosage tutoring."

Proposed law provides for high-dosage tutoring which fits the following criteria:

- (1) Individualized tutoring with a low student-to-tutor ratio.
- (2) Three to five sessions per week, for at least 30 to 60 minutes per session.
- (3) Over up to 40 weeks for the full school year, but lasting for at least 10 weeks with a minimum of 30 total tutoring hours.
- (4) Based on high-quality instructional materials.

- (5) Provided by a high-quality tutor.
- (6) Provided by a consistent tutor or set of tutors.
- (7) Occurring during the day.
- (8) In accordance with guidelines on research-based best practices and strategies developed by the State Department of Education.
- (9) Uses assessments throughout the year to monitor student progress.

Present law requires the State Department of Education to publish a list of high-quality tutoring providers.

Proposed law retains present law and further provides that the Department of Education provide evidence of impact on student outcomes broken down by student groups according to race, gender, ethnicity, economically disadvantaged students, English language learner status, disability status, and geographic location.

Proposed law requires the Department of Education to create reporting templates, procedures, and definitions for reporting metrics for cities, parishes, or other local public school boards to use in collecting and report tutoring-related data.

Proposed law requires the Department of Education to provide training, technical assistance, and guidance to cities, parishes, or other local public school boards conducting in-school high-dosage tutoring.

Proposed law deletes present law which provides that no state funds or obligated federal funds can be used to implement the provisions of present law and that if funding is unavailable, the state is not obligated to provide funding to continue the expanded academic support.

Effective August 1, 2024.

(Amends R.S. 17:100.13(A), (B) (intro para), and 100.13(B)(2), (D), (E)(1), and (2), (F), (G)(1), and (2), (H), (I), (J), and (K); adds R.S. 17:100.13(G)(2)(f)-(j) and (L))