



CONTACTS:

Kathleen B. Boundy, Co-Director
Center for Law and Education
kboundy@cleweb.org

Candace Cortiella, Director
The Advocacy Institute
candace@advocacyinstitute.org

Analysis of Louisiana House Bill 1015

Note: This analysis is based upon the Enrolled version of HB 1015 (appended). HB 1015 was adopted by the Louisiana State Senate and House of Representatives on June 2, 2014. The bill was sent to the Governor for approval on June 9, 2014.

The Center for Law and Education and The Advocacy Institute provide this analysis of Louisiana House Bill 1015 to highlight concerns for students with disabilities in LA as well as in any other state that might contemplate replicating this legislation. This bill is the product of understandably widespread dissatisfaction and frustration among parents, educators, and advocates about the state's poor educational outcomes reflecting too few students with disabilities being effectively taught to attain state standards of proficiency, drop-out rates that exceed their rate of graduation, and limited evidence of postsecondary/employment success. The educational outcomes for all school-age children in Louisiana are in need of improvement—none more so than those with disabilities in need of special education—who graduate at a rate more than 39 percentage points lower than that of all Louisiana students (72 percent of all Louisiana students earn a regular high school diploma in four years vs. 33 percent of students with disabilities).

H.B. 1015 is predicated upon the false premise that the majority of students with disabilities are incapable of learning to the high standards that all students are expected to meet to be college and career-ready. Such is not the case in Louisiana or any other state. Students with disabilities who are eligible to receive specialized instruction and supportive services are not a monolithic group. As evidenced by both national data and data from many other states, most students with disabilities are expected to and do successfully attain the same academic and achievement standards as their non-disabled peers though they may also require use of reasonable accommodations, including the full range of accommodations recognized by PARCC¹, to engage in instruction and learning in the classroom and to participate effectively in state assessments. These students may require additional time for learning,

¹ Currently LA does not include PARCC recognized accommodations on state assessments or presumably in the classroom which could improve students' learning outcomes, e.g., use of read aloud for a student with dyslexia, or use of calculation devices for students with dyscalculia on segments of the mathematics test.

perhaps through rigorous courses of transitional instruction and services provided through dual concurrent enrollment at a post-secondary institution², until they either meet the standards for receiving a “regular high school diploma” as required by IDEA as a condition of terminating their eligibility for a free appropriate public education (FAPE) or reach 22 years, whichever comes first. § 300.102(a)(3)(i).

In fact, only a relatively small percentage of students who receive specialized instruction and related services through an Individualized Education Program (IEP) in Louisiana should be expected, as a result of the nature and/or severity of their disabilities, to struggle to meet the minimal levels of proficiency necessary to receive a regular diploma (see chart on page 8). This is especially the case in Louisiana which already offers multiple pathways to a regular high school diploma - one with an emphasis on academic performance, the other with an emphasis on a career major option that does not require 2 credits in a foreign language and 4 credits in science and in social studies. The students who can be anticipated to struggle to attain a regular high school diploma generally include those with the most significant cognitive disabilities, who are assessed using the state’s alternate assessment based on alternate achievement standards (LAA 1). The LAA1 creates a different set of expectations than the state assessment based on grade-level expectations, yet, even those alternate achievement standards are required to be aligned through a validated standards-setting process with the state content standards set for all, promote access to the general curriculum and “reflect professional judgment of the highest achievement standards possible.” 34 C.F.R. § 200.1d. The determination of eligibility for the LAA 1 is made by a student’s IEP team, including the parent, using ‘rule-out’ criteria developed by the state.

As described below, specific provisions of HB 1015, on their face or as applied, will deprive significant numbers of students with disabilities of their rights and protections under Title I of the Elementary and Secondary Education Act (ESEA)(Title I), 20 U.S.C. §§6301, *et seq.*, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400, *et. seq.*, and their civil rights under Section 504 of the Rehabilitation Act (Section 504), 29 U.S.C. §794, and the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.* By placing so much discretion in the hands of IEP Teams, HB 1015 undermines the rights and clear expectations of students with disabilities to receive a free appropriate public education (FAPE) consistent with state education agency standards—now the Common Core State Standards adopted by Louisiana—that are expected to be taught to all Louisiana students. 20 U.S.C. §1412(a)(1)(A); see also 20 U.S.C. §6311(b)(1)(B), (C). HB 1015 strips them of their right to access with their non-disabled peers, to the maximum extent appropriate, a full and meaningful opportunity to learn through rigorous instruction the state adopted academic content and achievement standards set for all students consistent with Title I of the ESEA, IDEA, and the civil rights statutes. For older students with disabilities, their entitlement to FAPE includes transition programming and services that must be offered until they fulfill the requirements necessary to be awarded a regular high school diploma [academic or career option] or attain the maximum age of eligibility, 22 years in Louisiana. 20 U.S.C. §§ 1412(a)(1)(A), 1412(a)(5)(A). As expressly defined by IDEA’s regulations, a “regular high school diploma does not include an alternative degree that is not fully aligned with the State’s academic standards...” 34 C.F.R. §

² La. Rev. Stat. Art. 17: 187.3.

300.102(a)(3)(iv). Premature termination of FAPE by IEP teams using their broad discretionary authority under HB 1015 to exempt certain students from meeting performance standards required for students without disabilities to attain a regular high school diploma will be subject to challenge under IDEA , Section 504 and arguably Title I in conjunction with Section 504.

- **HB 1015** authorizes IEP Teams to determine arbitrarily, without documented, validated evidence, which students with disabilities will be exempt from meeting “state established benchmarks for graduation” that are expected to be met by all students.

“If the student for any two of the three most recent school years, or for a student in high school, the two most recent administrations of any state-established assessments required for graduation, has not otherwise met state-established benchmarks on required state assessments, the student’s Individualized Education Program team shall have the option of determining an alternative pathway to graduation for the student.” (§183.2B.(1)(a))

First, despite first blush, the language of this provision [§183.2.B.(1)(a) relating to Career Option major] granting IEP teams the “option of determining an alternative pathway to graduation” for students struggling to meet required performance levels on the state assessments is not intended to de-link use of a ‘high-stakes’ state standardized assessment as a condition of graduation and require, in the alternative, use of multiple measures for determining whether particular students with disabilities have, in fact, learned what they are expected to know to meet the same state standards set for all students. Subsection (b)(i) of this section clarifies that the IEP team is given broad discretion to identify which students with disabilities will be exempt—i.e., will *not* be required to meet the state established benchmarks aligned with state standards set for all on the required state assessment.

This provision, §183.2.B.(1)(a), while suggesting that the so-called “alternative pathway to graduation” determination option by a student’s [IEP] team shall apply in limited circumstances, actually opens the gate to channeling significant numbers³ of struggling students with disabilities—a group of students designated as those with “persistent academic struggles” by Louisiana’s State Superintendent John White before the Senate Education Committee—to an alternative, i.e., lower set of academic performance requirements entirely undefined by the state or local districts. Based on HB 1015, only students with disabilities—not any of the thousands of Title I students or English language learners in Louisiana who are struggling to learn and have consistently failed to meet the benchmarks established on the state assessments—can be shunted to the “alternative pathway to graduation” that based on this legislation, operates independent of the rigorous requirements approved and monitored by the state consistent with Title I of the ESEA. 20 U.S.C. 6311.b.2.A,F.

³ Based on this criteria and current educational outcome data for LA, this number would include most students with disabilities regardless of their abilities to learn to high standards as well as significant percentages of Title I and ELL students who are disproportionately students of color and presumably not eligible for the “alternative pathway to graduation” raising additional issues about the state’s role in creating a dual system of education based on which students are taught to high standards and which are ‘on track’ for receiving a so called ‘equivalent diploma’ regardless what they have been taught and have learned. See § 183.2(B)(1)(c); §183.3(E)(1)-(3).

Treating students with disabilities differently [including through the guise of authorizing an IEP Team to make such decisions] *without valid criteria and irrefutable evidence* that giving any such student the same access to the same level of knowledge and skills as all non-disabled students under Title I is pointless, violates Section 504, ADA and IDEA.

There is no educational justification to deny these particular students with disabilities—students who cannot be distinguished from similarly struggling students without disabilities—their legal rights to a meaningful opportunity to be taught and assessed based on same standards of achievement established for all other students participating in the general education curriculum aligned with the State’s grade level standards under Title I and the IDEA. To do so will deprive students with disabilities “meaningful access to the benefits of public education” when that education is not designed to meet their needs as adequately as the needs of other students are met in violation of 34 C.F.R. §104.33(b)(1)(i). It is also discriminatory based on 34 C.F.R. §104.4(b) to deprive these students of comparable aids, benefits and services, including the right to participate fully and accurately in the State of Louisiana’s accountability system required by §6311 of the ESEA.

- **HB 1015** at subsection 183.2.B.(1)(b) authorizes IEP teams to exempt significant numbers of students from all career option course requirements, leaving it to the complete discretion of their respective IEP teams to determine, without established criteria, what “requirements” each student is expected to “successfully complete” in his IEP to be issued a high school diploma under §183.3.E(1), (2).

“If an Individualized Education Program team determines that state-established benchmarks on the required state assessments are no longer a condition for promotion or graduation for a student, the team shall: Within thirty days of the student entering the course or grade level, establish minimum performance requirements in the student’s Individualized Education Plan relevant to promotion or graduation requirements, including but not limited to end-of-course assessments, and shall be incorporated for awarding course credits.” (§183.2B.(1)(b))(emphasis added).

Under subsection (b)(i) the IEP team “shall consider establishing minimum performance requirements for annual academic and functional goals...that will enable the [exempted] student to be involved in and make progress in the general education curriculum...” (emphasis added). While requiring the state board to “make available a list of multiple appropriate assessments and guidance for use in establishing *minimum score requirements* on the assessments...” (emphasis added), subsection (b)(i) expressly says that the IEP team “may, but shall not be required to use [them]....” §183.3.2.B.(1)(b)(i).

This provision has the effect of creating a dual system between IEP team exempt students and all other students by failing to clarify what, if any, minimal performance standards are expected to be met by the potentially large number of students, who may be exempted by their IEP teams from all career option requirements, to complete this option for graduating with a high school diploma. Establishing a different set of standards for certain students with disabilities based solely on the expectations of the student’s IEP team means that most of those students will not be taught the skills and bodies of knowledge expected for all students, at the levels expected for all students as mandated by Title I of the ESEA and in

violation of their right not to be discriminated against and to be provided comparable aids, benefits and services under Section 504. The explicit language of Title I requires adoption and use of the *same* standards for *all* students in the State, without exception. 20 U.S.C. §6311(b)(1)(B); 34 C.F.R. §200.1(a)(1), (b). The very strong presumption against applying lower standards to the education of any students with disabilities under both IDEA and Title I is heightened by the non-discrimination mandates of § 504 and the ADA.

IEP goals and ESEA standards are not fungible but serve different purposes. Under the ESEA, standards are established as part of each state's accountability system, and states, LEAs, and schools are accountable for each of the subgroups of students whom they serve achieving proficiency based on the state adopted standards. IEP goals are incorporated in each student's IEP, and depending upon the student's disability related needs, may be aligned with state content and achievement standards to help the student make progress toward meeting the state standards set for all. See 34 C.F.R. § 300.39(b)(3) defining "special education" as "specially designed instruction" which involves "adapting, as appropriate to the needs of an eligible child...the content, methodology, or delivery of instruction...,to ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. This means that for an eligible student with a disability to receive FAPE today under 20 U.S.C. § 1412(a)(1)(A), the child must be provided specialized instruction that is aligned with the academic content and achievement standards adopted by the State, as required by Title I of ESEA.

● **HB 1015** requires that a high school diploma awarded via the "alternative pathway" count equally in the state's accountability system:

"A diploma issued to a student with an exceptionality based on achieving his Individualized Education Program goals and objectives shall count equally and be assigned the same number of points in the school performance score calculation for high schools as are assigned for a diploma issued to any other students." (§183.3 E. (3))

While diplomas awarded via the "alternative pathway" may be treated as equivalent to diplomas issued to any other students for purposes of school accountability within Louisiana's state accountability system, such diplomas would not meet the definition of a "regular high school diploma" as defined in the 2008 ESEA rule regarding graduation:

"The term "regular high school diploma" means the standard high school diploma that is awarded to students in the State and that is fully aligned with the State's academic content standards or a higher diploma and does not include a GED credential, certificate of attendance, or any alternative award. (34 CFR 200.19 (iv)). See similar definition under IDEA regulations at 34 C.F.R. § 300.102(a)(3)(iv) ["a high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate, or a [GED]."]

Since the requirements of a diploma awarded via the "alternative pathway" rely entirely on requirements established by the student's IEP team and since there is no requirement to document any alignment with Louisiana's state standards, students earning such a diploma may not be counted in the

four-year adjusted cohort graduation rate data required by ESEA Federal regulations. The four-year adjusted cohort graduation rate is the number of students who graduate in four years with a *regular high school diploma* divided by the number of students who form the adjusted cohort for the graduating class. All students with disabilities, even the struggling learners, have a right to be accurately included in their state’s accountability system based on Title I of the ESEA, IDEA and Section 504.

Additionally, a diploma awarded via the “alternative pathway” cannot meet the requirements of IDEA—a regular high school diploma fully aligned with state standards—to terminate the eligibility of these students with disabilities to continued special education and related services. 34 C.F.R. §300.102(a)(3)(i)-(iv). However, based on HB 1015 at §183.3.E.(2)(a)-(c), the school districts’ legal and financial responsibilities for providing students awarded diplomas via the “alternative pathway” with FAPE consistent with state education agency standards would be terminated upon receipt of the IEP team determined “high school diploma.” Consequently local school district administrators will accordingly be vulnerable to legal challenges for depriving students with disabilities of their right to FAPE consistent with state education agency standards, prematurely terminating their right to be educated until 22 or until receipt of a ‘legitimate’ regular education high school diploma, and for discriminating against ‘otherwise qualified’ students with disabilities under Section 504 by depriving them of comparable aids, benefits and services (e.g., participation in an accountability system that should trigger effective intervention in the form of successful instruction and learning, opportunity to access a regular high school diploma [34 CFR 200.19 (iv)] rather than a ‘fictitious’ diploma that terminates eligibility for FAPE).

- **HB 1015** requires an IEP Team that has determined that a student does not need to meet benchmarks of the state assessment to provide the student and his parent information about the implications of receiving a diploma via the “alternative pathway.”

“Provide the student and his parent or legal guardian with information related to how requirements that vary from standard expectations may impact future educational and career options.” (§183.2 B.(b)(ii))

The language of this provision raises a question about whether this ‘information sharing’ constitutes ‘informed consent’ by the parent or eligible student—and a second question about the right of the affected student, upon the transfer of rights to him at age of majority under 20 U.S.C. §1415(m), to seek compensatory education under IDEA for denying him a free appropriate public education consistent with “state educational agency standards,” or to bring an action for compensatory and monetary damages under Section 504, as well as under Section 504 read in conjunction with the mandates established by Title I (single state standards established for all). Under the latter a student might bring an action against the district for depriving him of meaningful access to a public education when that education was not designed to meet his needs as adequately as the needs of other students, i.e., to receive effective interventions (as all other non-disabled Title I students) based on assessment results, to be taught to high standards, and provided a rigorous curriculum intended to enable him to receive a regular high school diploma that meets the standards set for all other non-disabled students.

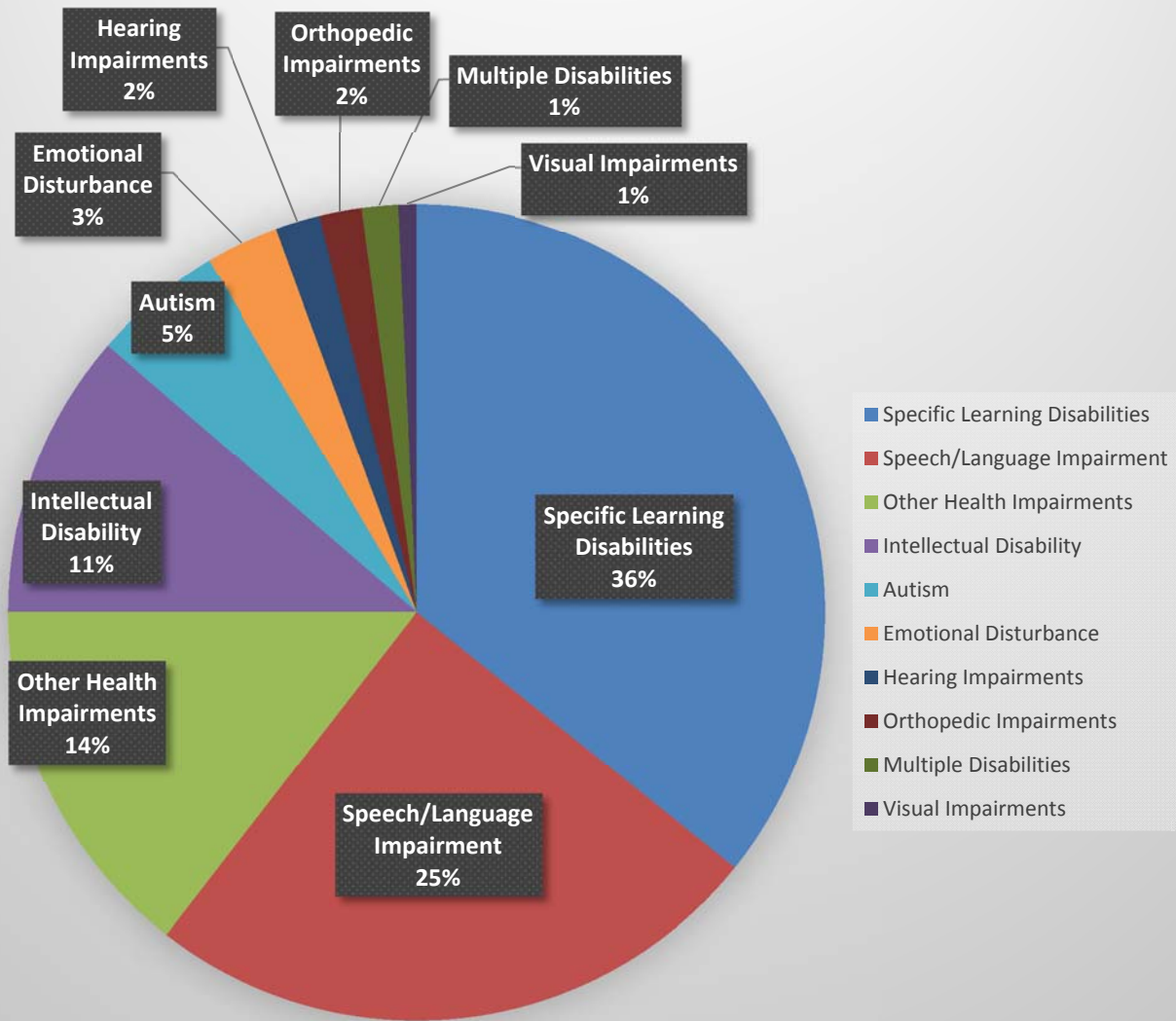
Rather than addressing the urgent need to improve educational outcomes for Louisiana’s students with disabilities, HB 1015 perpetuates the continuing wrong to these students who are already being deprived of the education to which they are entitled under state and federal laws, including ESEA and IDEA, and their civil rights under Section 504 and the ADA. These students have a right to an education that should enable a substantial majority of them to receive a meaningful high school diploma within their four year framework reflecting the same high level standards as that awarded their non-disabled peers. Many others can be expected to succeed though they may require a longer period of time to learn (i.e., up to 22 years) and to demonstrate mastery of the standards that reflect attaining a regular high school diploma in Louisiana.

These concerns are shared by the U.S. Department of Education, which, in its letter to State Superintendent John White dated May 21, 2014, stated “the provisions in HB 1015 could constitute unjustified different treatment in violation of Section 504 and Title II.”

The **Center for Law and Education** (CLE) is a national advocacy organization that works with parents, advocates and educators to improve the quality of education for all students, and in particular, students from low-income families and communities. Throughout its history, CLE has been a recognized leader in advancing the rights of students with disabilities—from federal policy through state and local implementation. More information at www.CLEweb.org.

The Advocacy Institute is a non-profit advocacy organization dedicated to the development of products, projects and services that work to improve the lives of people with disabilities. The Center advocates for sound education and civil rights policy at the state and federal level. The Advocacy Institute recently authored a special report on graduation rates for students with disabilities, *Diplomas at Risk*, for the National Center for Learning Disabilities. More information at www.AdvocacyInstitute.org.

Louisiana Students with Exceptionalities (Total 65,353)



Students in the following disability categories - totally 83% of all IDEA students - should be expected to attain the same academic and achievement standards as their non-disabled peers:

Specific Learning Disabilities (36%), Speech/Language Impairments (25%), Other Health Impairments (14%), Emotional Disturbance (3%), Hearing Impairments (2%), Orthopedic Impairments (2%), and Visual Impairments (1%)

Source: IDEAdata.org, Table B1-3. Number of students ages 6 through 21 served under IDEA, Part B, by disability and state: Fall 2011. Does not include students ages 6-9 identified with Developmental Delay.

Regular Session, 2014

HOUSE BILL NO. 1015

BY REPRESENTATIVE SCHRODER AND SENATOR CLAITOR AND REPRESENTATIVES ABRAMSON, ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, BROADWATER, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CONNICK, COX, CROMER, DIXON, DOVE, EDWARDS, FOIL, FRANKLIN, GUILLORY, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, IVEY, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, KLECKLEY, LAMBERT, TERRY LANDRY, LEBAS, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SIMON, SMITH, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, WILLMOTT, AND WOODRUFF AND SENATORS APPEL, BROOME, BUFFINGTON, CORTEZ, CROWE, DONAHUE, ERDEY, GUILLORY, LAFLEUR, LONG, MURRAY, NEVERS, RISER, GARY SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 17:24.4(H), 183.2(B)(1) and (C), 183.3(D)(1) and 2925(A), to
3 enact R.S. 17:183.3(E) and (F), and to repeal R.S. 17:183.2(B)(2), relative to
4 students with exceptionalities; to provide for a student's Individualized Education
5 Program team to determine promotion to the next grade under certain circumstances
6 as it relates to the student's achievement level on required state assessments; to
7 provide for certain actions to be taken by the Individualized Education Program team
8 under certain circumstances; to provide for participation by a student's Individualized
9 Education Program team relative to requirements for Individual Graduation Plans
10 and graduation; to provide relative to criteria for pursuing a career major curriculum;
11 to provide for the issuance of a high school diploma; to provide for rules of the State
12 Board of Elementary and Secondary Education; to require the state Department of
13 Education to track the performance of students with exceptionalities and to develop
14 and implement a monitoring and corrective action system for school systems with
15 high rates of students with exceptionalities performing below expected levels; and
16 to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 17:24.4(H), 183.2(B)(1) and (C), 183.3(D)(1) and 2925(A) are
3 hereby amended and reenacted and R.S. 17:183.3(E) and (F) are hereby enacted to read as
4 follows:

5 §24.4. Louisiana Competency-Based Education Program; statewide standards for
6 required subjects; Louisiana Educational Assessment Program; parish or city
7 school board comprehensive pupil progression plans; waivers

8 * * *

9 H.(1) The State Board of Elementary and Secondary Education ~~may~~ shall
10 establish by rule adopted in accordance with the Administrative Procedure Act a
11 procedure whereby ~~the state superintendent of education may grant a waiver~~
12 ~~allowing~~ a student's Individualized Education Program team shall determine
13 promotion to the next grade level for any student with an exceptionality, as defined
14 in R.S. 17:1942(B), except a student identified as gifted and talented and who has no
15 other exceptionality, who fails to meet the required achievement level necessary for
16 promotion to the next grade on a test administered to students pursuant to this
17 Section or policies adopted by the state board upon the request of the local
18 superintendent of the school system in which the student is enrolled in school,
19 provided that the student meets certain criteria established by the board
20 Individualized Education Program team relative to attendance, grades, and conduct.
21 performance on the student's Individualized Education Program goals and objectives.
22 If an Individualized Education Program team determines that the student is not
23 required to meet state or local established performance standards on any assessment
24 for purposes of promotion, the team shall:

- 25 (a) Identify rigorous educational goals for the student.
- 26 (b) Include diagnostic information, appropriate monitoring and intervention,
27 and other evaluation strategies.
- 28 (c) Include an intensive instructional program.
- 29 (d) Provide innovative methods to promote the student's advancement
30 including flexible scheduling, alternate learning environments, online instruction,

1 and other interventions that are proven to accelerate the learning process and have
2 been scientifically validated to improve learning and cognitive ability.

3 (e) Identify a course of study that promotes college or workforce readiness,
4 or both, career placement and advancement, and transition from high school to
5 postsecondary education or work placement.

6 (2)(a) An alternative pathway to promotion determination by a student's
7 Individualized Education Program team shall apply only if, in the school year
8 immediately prior to each grade level in which the student would otherwise be
9 required to demonstrate certain proficiency levels in order to advance to the next
10 grade level, the student has not otherwise met the state and local requirements for
11 promotion or has not otherwise met state-established benchmarks on the required
12 state assessments.

13 (b) The state Department of Education, to the extent possible, shall track the
14 performance of students with exceptionalities across school systems and, in
15 collaboration with the Special Education Advisory Panel, establish indicators to
16 identify school systems with disproportionately high rates of students with
17 exceptionalities performing below expected levels and declines in performance
18 across subgroups of students with exceptionalities. The department, to the extent
19 possible, shall develop and implement a monitoring and corrective action system to
20 address school systems identified as having high rates of students with
21 exceptionalities performing below expected levels.

22 * * *

23 §183.2. Career option description

24 * * *

25 B.(1)(a) If the student, for any two of the three most recent school years, or
26 for a student in high school, the two most recent administrations of any state-
27 established assessments required for graduation, has not otherwise met state-
28 established benchmarks on required state assessments, the student's Individualized
29 Education Program team shall have the option of determining an alternative pathway
30 to graduation for the student.

1 **(b) If an Individualized Education Program team determines that state-**
2 **established benchmarks on the required state assessments are no longer a condition**
3 **for promotion or graduation for a student, the team shall:**

4 **(i) Within thirty days of the student entering the course or grade level,**
5 **establish minimum performance requirements in the student's Individualized**
6 **Education Plan relevant to promotion or graduation requirements, including but not**
7 **limited to end-of-course assessments, and shall be incorporated for awarding course**
8 **credits. The state board shall make available a list of multiple appropriate**
9 **assessments and guidance for use in establishing minimum score requirements on the**
10 **assessments that an Individualized Education Program team may, but shall not be**
11 **required to, use for this purpose. The Individualized Education Program team shall**
12 **consider establishing minimum performance requirements for annual academic and**
13 **functional goals designed to meet the student's needs that result from the student's**
14 **disability and that will enable the student to be involved in and make progress in the**
15 **general education curriculum, and to meet other educational needs of the student that**
16 **result from the student's disability, including the student's postsecondary goals**
17 **related to training, education, employment, and, where appropriate, independent**
18 **living skills.**

19 **(ii) Provide the student and his parent or legal guardian with information**
20 **related to how requirements that vary from standard expectations may impact future**
21 **educational and career options.**

22 **(c) Students with exceptionalities shall be afforded the same opportunities**
23 **to pursue a high school diploma and to exit with all course credits, honors, and**
24 **financial awards as other students. A student with an exceptionality is not**
25 **guaranteed a diploma and shall meet either the standard requirements or those**
26 **established by his Individualized Education Program team to be awarded a diploma**
27 **as provided in R.S. 17:183.3(E).**

28 C. Throughout high school, each student shall pursue the rigorous
29 curriculum required for his chosen major by his school as approved by the State
30 Board of Elementary and Secondary Education or, for a student with an

1 exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted or
2 talented and who has no other exceptionality, who meets the eligibility criteria as
3 provided in Subparagraph (B)(1)(a) of this Section, as determined by the student's
4 Individualized Education Program team, if applicable.

5 * * *

6 §183.3. Career major; description; curriculum and graduation requirements

7 * * *

8 B.

9 * * *

10 D.~~(+)~~ A student who seeks to pursue a career major curriculum ~~must~~ shall
11 meet one of the following conditions:

12 ~~(+)~~(1) The student has fulfilled all of the requirements established by the
13 State Board of Elementary and Secondary Education and the city, parish, or other
14 local public school board where the student is enrolled or the Individualized
15 Education Program team, if applicable, for promotion to the ninth grade.

16 * * *

17 E.(1) A student with an exceptionality, as defined in R.S. 17:1942(B), except
18 a gifted or talented student, who meets the eligibility criteria as provided in R.S.
19 17:183.2(B)(1)(a) and who successfully completes the requirements of his
20 Individualized Education Program, including performance on any assessment
21 required for graduation determined appropriate by his Individualized Education
22 Program team, shall be issued a high school diploma. The student's Individualized
23 Education Program team shall determine if the student is required to meet state or
24 local established performance standards on any assessment for purposes of
25 graduation.

26 (2) If a student's Individualized Education Program team determines that the
27 student is not required to meet state or local performance standards on any
28 assessment for purposes of graduation, the student shall be required to successfully
29 complete Individualized Education Program goals and requirements and shall meet

1 ~~course work and to assist them~~ the student in exploring educational and career
 2 possibilities and in making appropriate secondary and postsecondary decisions as
 3 part of an overall ~~career~~ postsecondary plan. ~~The plan shall be based on the student's~~
 4 ~~talents and interests and shall consider high school graduation requirements relevant~~
 5 ~~to the student's chosen major and postsecondary entrance requirements.~~

6 (2) By the end of the eighth grade, each student's Individual Graduation Plan,
 7 or the student's Individualized Education Plan, if applicable, shall list the required
 8 core courses to be taken through the tenth grade and shall identify the courses to be
 9 taken in the first year of high school. Students who fail to meet the standard for
 10 promotion to the ninth grade, pursuant to policies adopted by the State Board of
 11 Elementary and Secondary Education, shall have any necessary remedial courses
 12 included in their Individual Graduation Plan. The plan shall be reviewed annually
 13 and updated as necessary to identify the courses to be taken each year until all
 14 required core courses are completed.

15 (3) By the end of the tenth grade, each student's Individual Graduation Plan,
 16 based on the student's academic record, talents and interests, shall outline high
 17 school graduation requirements relevant to the student's chosen postsecondary goals.
 18 Each student, with the assistance of his parent or other legal ~~guardian~~ custodian and
 19 school ~~guidance personnel;~~ counselor shall ~~be allowed to~~ choose the high school
 20 curriculum framework and related graduation requirements that best ~~meets~~ meet his
 21 postsecondary goals. Each student's ~~individual graduation plan~~ Individual
 22 Graduation Plan, or the student's Individualized Education Plan, if applicable, shall
 23 include the recommended sequence of courses for successful completion of ~~his~~
 24 ~~chosen major~~ a standard diploma that aligns with postsecondary education, training,
 25 ~~and the workforce~~ and shall be reviewed annually and updated or revised as needed.

26 ~~(3)~~(4) The Individual Graduation Plan ~~Individual graduation plans~~ shall be
 27 sufficiently flexible to allow ~~students~~ the student to change ~~their~~ his program of
 28 study, yet be sufficiently structured to ensure that ~~a~~ the student will meet the high
 29 school graduation requirements for his chosen major, or the requirements of the

