§1403.1. Extended stay for completion of educational courses or other programs

Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a person housed at a residential home may stay at such home for a period not to exceed six months beyond his eighteenth birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

Acts 2001, No. 912, §1.

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Title 28
EDUCATION
Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

Chapter 1. Individualized Education Program (IEP)

§101. Introduction

A. *Louisiana's IEP Handbook for Students with Exceptionalities* outlines the legal procedures of the IEP process as mandated by the *Individuals with Disabilities Education Act* (IDEA) and Revised Statute 17:1941, et seq., and their regulations. The handbook provides information regarding the Individualized Education Program (IEP)—the basis for educational programming for students with exceptionalities in Louisiana. *Bulletin 1872, Extended School Year Program Handbook*, and *Bulletin 1891, Louisiana's IEP Handbook for Gifted/Talented Students*, have been repealed, and information from the bulletins has been integrated into the IEP Handbook. The IEP, including the Gifted/Talented IEP and Services Plan for students parentally placed in private schools, shall be developed using a format approved by the Louisiana Department of Education (LDE).

B. The term *exceptionalities* used in this document includes all disabilities identified under IDEA, including gifted and/or talented as defined in state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2331 (November 2009).

§103. Free Appropriate Public Education (FAPE)

A. A student is initially determined to have an exceptionality through the full and individual initial evaluation process. The responsibility for making a formal commitment of resources to ensure a free appropriate public education (FAPE) for a student identified as exceptional rests with the local education agency (LEA) in which the student resides.

B.1. The LEA is responsible for initiating the assurance of FAPE regardless of whether the LEA will:

a. provide all of the service directly or through interagency agreements; or

b. place the student in another LEA or in a private school facility; or

c. refer the student to another LEA for educational purposes.

2. This does not apply to students who are parentally placed in private schools.

C. The LEA is required to offer FAPE to those students with disabilities ages 3 through 21 years.

1. The child is eligible for FAPE on his 3rd birthday.

2. The responsibility for providing services to a student identified as exceptional continues until:

a. the student receives a state diploma; or

b. the student reaches his or her 22nd birthday. When the 22nd birthday occurs during the course of the regular school session, and all action steps in the transition plan have not been completed, the student should be allowed to remain in school for the remainder of the school year.

D. The LEA is not responsible for providing FAPE when, after carefully documenting that the agency has offered FAPE via an IEP, the parents choose to voluntarily enroll the student elsewhere or indicate their refusal of special educational services. Documentation of these parental decisions should be kept on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2332 (November 2009).

§105. Timelines

A. An initial evaluation is considered "completed" when the written report has been disseminated by the pupil appraisal staff to the administrator of special education programs. A LEA has a maximum of 30 calendar days to complete the IEP/placement document for an eligible student. During this time, two activities shall take place and be documented.

1. Written Notice. Written notice that the LEA proposes to provide FAPE through the IEP process shall be given to the parents.

a. The notice shall be provided in the parents' native language or shall be given using other means of communication, whenever necessary, to ensure parental understanding.

b. The notice shall indicate the purpose, time, and location of the IEP Team meeting; who will be in attendance; when a LEA IEP Team member needs to be excused from attending the meeting; the parents' right to take other participants to the meeting; the student's right to participate (when appropriate); and the name of the person in the LEA the parents can contact when they have questions or concerns.

c. The notice shall explain the procedural safeguards available to the parents; that they can negotiate the time and place of the IEP Team meeting; that they have the right to full and meaningful participation in the IEP decision-making process, know their consent is required before initial placement will be made and that all information about the student shall be kept confidential.

d. When it appears that a student with a disability may be eligible to participate in one of the alternate assessments, the notice shall explain that data appear to support the student's participation in alternate assessment, and that the decision for participation will be made with the parents at the IEP Team meeting.

e. Additionally, when the LEA has not already done so, the parents shall be informed of their right to an oral explanation of the evaluation report and of their right to an independent education evaluation (IEE) when the parents disagree with the current evaluation.

f. In the case of a child who was previously served under Part C, an invitation to the initial IEP Team meeting, at the request of the parent, will be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition of services. This only pertains to students with disabilities.

2. An IEP Team meeting that result in a completed IEP/placement document shall be held. This meeting should be a vehicle for communication between parents and school personnel to share formal and informal information about the student's needs, educational projections, and services that will be provided to meet the student's needs. The completed IEP/placement document is a formal record of the IEP Team's decisions. The timeline for completion of the document is intended to ensure that there is no undue delay in providing a free appropriate public education (FAPE) for the student. The IEP form is considered official when the parent and the Official Designated Representative (ODR) sign the document.

a. The IEP Team should consider parental correspondence to the school regarding the student's learning environment, any notes from previous parental conferences, and any data gathered during the screening and evaluation period in the development of the IEP.

b. Implementation of the IEP means that the student begins participating in special education and related services as written on the IEP/placement document. A LEA shall begin providing services as stated on the IEP as soon as possible but no later than ten (10) school days. The date of initiation of services shall be noted on the IEP.

c. Students who have been receiving special education in one LEA in Louisiana who transfer to another LEA within Louisiana shall be enrolled in the appropriate special education program in the receiving LEA with the current IEP or the development of a review IEP within five school days of the transfer.

B. Additional Notes about Timelines

1. Summer Recess. When an initial evaluation report has been completed within the 30 days prior to the summer recess or during the recess, the LEA may request, through written documentation, parental approval to delay the initial IEP Team meeting until the first week of the next school session. However, when the parents wish to meet during the summer recess, the LEA shall ensure that the appropriate IEP Team members are present.

2. Children with Disabilities Approaching Age 3

a. Children with disabilities receiving Part C services (EarlySteps) who are "turning three-years-old" suspected of being eligible for Part B services shall be referred to the LEA when the child is 2 years, 2 months through 2 years, 9 months of age. The Part C Family Service Coordinator will notify the LEA of the date for the transition meeting to determine whether the student shall be evaluated for Part B services. The LEA will begin the evaluation process to determine eligibility. When the child meets eligibility criteria according to *Bulletin 1508, Pupil Appraisal Handbook*, the IEP Team must develop and implement the IEP by the child's third birthday.

b. If the child's birthday occurs during the summer months, the child's IEP team will determine the date when services will begin. Services shall begin no later than the start of the next school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2332 (November 2009), amended LR 37:885 (March 2011).

§107. IEP Team Participants

A. At any IEP Team meeting, the following participants shall be in attendance: an officially designated representative of the LEA, the student's regular education and special education teachers, the student's parents, and a person knowledgeable about the student's evaluation procedures and results. The student, as well as other individuals the parents and/or LEA may deem necessary, should be given the opportunity to attend. Documentation of attendance is required.

1. An officially designated representative (ODR) of the LEA is one who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with exceptionalities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the LEA. The LEA may also designate another LEA member of the IEP Team to serve as the agency representative, when the above criteria are satisfied. A LEA shall have on file and shall disseminate within the agency a policy statement naming the kinds of persons who may act as the official representative of the LEA. Representatives may include the director/supervisor of special education, principals, instructional strategists, teachers, or any other LEA employee certified to provide or supervise special educational services. A member of the student's evaluation team may serve in this capacity. A special education teacher

may not serve as the ODR for a student's IEP when he or she is also the student's teacher.

2. Parents are equal participants in the IEP process in discussing the educational and related services needs of the student and in deciding which placement and other services are appropriate. As such, one or both of the student's parents should participate in the initial IEP/placement meeting(s). Other team members shall rely on parents to contribute their perspective of the student outside of school. Parental insight about the student's strengths and support needs, learning style, temperament, ability to work in various environments, and acquired adaptive skills is of vital importance to the team in making decisions about the student's needs and services. The concerns of the parents for enhancing the education of their child shall be documented in the IEP.

a. Parent is defined as a biological or adoptive parent of a child; a foster parent; a guardian, generally authorized to act as the child's parent or authorized to make educational decisions for the child, but not the state if the child is a ward of the state; an individual acting in the place of a biological or adoptive parent of a child (including a grandparent, stepparent, or other relative) with whom the child lives or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed to act in the child's behalf.

b. The LEA shall take measures to ensure that parents and all other team members, including sensorially impaired and non-English-speaking participants, can understand and actively participate in discussions and decision-making. These measures (i.e., having an interpreter or translator) should be documented. LEAs shall further ensure that, for those parents who cannot physically attend the IEP Team meetings, every effort is made to secure parental participation.

c. However, if every documented attempt fails and the IEP/placement document is developed without parental participation, the parents still shall give written informed consent for initial placement before any special education or related services may begin.

i. When conducting IEP Team/placement meetings, the parents of a student with an exceptionality and the LEA may agree to use alternative means of meeting participation such as videoconferences and conference calls.

ii. Visits may be made to the parents' home or place of employment to receive parental suggestions.

iii. Electronic mail. A parent of a student with an exceptionality may elect to receive notices/communication by electronic mail communication, if the LEA makes that option available. Documentation of these communiqués should be kept in the student's IEP folder.

d. When a student with an exceptionality has a legal guardian or has been assigned a surrogate parent by the LEA, that person assumes the role of the parent during the IEP process in matters dealing with special educational services. When a student with an exceptionality is emancipated, parental participation is not mandated. Additionally, when the LEA has been informed that a parent is legally prohibited from reviewing a student's records, that parent may not attend the IEP Team meetings without permission of the legal guardian.

e. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday; the parents will be informed that the rights under Part B of the Act will transfer to the student, unless the student is determined incompetent under state law.

3. An evaluation representative is a required participant at an initial IEP Team meeting. The person may be a member of the pupil appraisal team that performed the evaluation or any person knowledgeable about and able to interpret the evaluation data for that particular student. The evaluation coordinator who coordinated the activities for the reevaluation shall be present at the next scheduled IEP Team meeting when there is a change in classification, or initiation of additional services, or more restrictive environment is proposed for the student. For gifted and/or talented reevaluations, the gifted or talented teacher may serve as the evaluation coordinator.

4. A regular education teacher is at least one of the student's regular teachers (when the student is, or may be, participating in the regular education environment). The teacher must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including the determination of accommodations, appropriate positive behavioral interventions, supports and other strategies, the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.

5. A special education teacher is at least one of the student's special education teachers, or when appropriate, at least one special education provider of the student.

a. When a student's only disability is speech or language impairment, then the speech/language pathologist is considered the special education provider.

6. The student should be given the opportunity to participate in the development of the IEP. In many cases, the student will share responsibility for goals and objectives.

a. The LEA shall invite a student with a disability at any age to attend his or her IEP Team meeting if the purpose of the meeting will be the consideration of postsecondary goals and the transition services needed in reaching those goals. The LEA shall invite the student and, as part of the notification to the parents of the IEP Team meeting, inform the parents that the LEA will invite the student to the meeting.

b. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday, the student shall be informed that his or her rights under Part B of the Act will transfer to him or her unless he or she has been determined incompetent under state law.

7. Other individuals can be invited, at the discretion of the parent or LEA, who have knowledge or special expertise

regarding the student, including related service personnel as appropriate. The LEA also shall inform the parents of the right of both the parents and the agency to invite other individuals who have knowledge or special expertise regarding the child, including related service personnel as appropriate to be members of the IEP Team. The LEA may recommend the participation of other persons when their involvement will assist in the decision-making process.

a. It is also appropriate for the agency to ask the parents to inform the agency of any individuals the parents will be inviting to the meeting. Parents are encouraged to let the agency know whom they intend to invite. Such cooperation can facilitate arrangements for the meeting and help ensure a productive, child-centered meeting.

b. The determination of the knowledge or special expertise of any individual described above shall be made by the parent or LEA who invited the individual to be a member of the IEP Team.

c. When the LEA responsible for the initial IEP/placement process considers referring or placing the student in another LEA, the responsible LEA must ensure the participation of a representative of the receiving LEA at the IEP Team meeting.

d. The LEA shall ensure the attendance of a representative of a private school when the student is voluntarily enrolled in a private school. When the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

B. IEP Team Member Excusal

1. A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, when the parent of the student with an exceptionality and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

2. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, when:

a. the parent, in writing, and the public agency consent to the excusal; and

b. the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2332 (November 2009).

§109. Accessibility of the Student's IEP

A. The student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and

1. Each teacher and provider is informed of:

a. his or her specific responsibilities related to implementing the student's IEP; and

b. the specific accommodations, modifications, and supports that shall be provided for the student in accordance with the IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2334 (November 2009).

§111. The Three Types of IEPs for Students with Exceptionalities

A. The *Initial IEP* is developed for a student with an exceptionality who has met criteria for one or more exceptionalities outlined in *Bulletin 1508, Pupil Appraisal Handbook* and who has never received special educational services, except through an interim IEP, from an approved Louisiana school/program.

B. The *Review IEP* is reviewed and revised at least annually or more frequently to consider the appropriateness of the program, placement, progress in the general education curriculum and any related services needed by the student.

C. The *Interim IEP* shall be developed for students who have severe or low incidence impairments documented by a qualified professional concurrent with the conduct of an initial evaluation according to *Bulletin 1508, Pupil Appraisal Handbook.*

1. An interim IEP may also be developed for students who have been receiving special educational services in another state concurrent with the conduct of an initial evaluation.

2. An interim IEP may also be developed concurrent with the conduct of an initial evaluation for a student out-of-school, including students ages three- through- five, who are suspected of having a disability and for former special education students, through the age of twenty-two, who have left a public school without completing their public education by obtaining a state diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2334 (November 2009).

§113. IEP Amendments

A. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent of a student with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making

those changes, and instead may amend or modify the student's current IEP.

1. Procedural safeguards for reconvening the IEP Team meeting shall be followed.

2. If changes are made to the student's IEP, the LEA must ensure that the student's IEP Team is informed of those changes.

3. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting or by amending the IEP rather than by redrafting the entire IEP.

4. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2335 (November 2009).

§115. Placement Considerations

A. The IEP Team, following a discussion of the student's educational needs, shall choose a setting in which the educational needs will be addressed. The official designated representative shall be knowledgeable about placement considerations and shall be responsible for informing the IEP Team members. The IEP Team, including the parent, shall participate in discussions and decisions made about the placement. The term placement refers to the setting or class in which the student will receive special educational services.

B. Placement Considerations for Students with Disabilities whose ages are 6-21.

1. For the location of instruction/services, IEP Team members should consider the following.

a. Where would the student attend school if he or she did not have a disability?

b. Has the student, as a special education student, ever received special educational instruction or services within the general education environment?

c. What accommodations and/or modifications have been used to support the student as a special education student in the general education class?

d. After a review of the accommodations and/or modifications provided, what additional strategies and supports have been determined to facilitate the student's success in the general education setting?

e. When the student is not currently receiving instruction and/or services in a general education setting, what strategies could be used for providing services in the general education classroom?

f. Based on IEP goals and/or objectives/benchmarks, what instructional settings would support the achievement of these goals and/or objectives/ benchmarks?

g. When the decision has been made to provide the student with instruction and/or services outside the general education setting, what specific opportunities will the student have for integration in general education activities?

C. Placement Considerations for Students with Disabilities whose ages are 3-5.

1. For the location of instruction/services, the IEP Team should consider the following.

a. Where would the student spend the majority of the day if the student did not have a disability (natural environment)?

b. Can the services identified on the IEP be provided in the student's natural environment?

i. If not, what changes should be made in that environment to enable the required services to be delivered there?

ii. If not, what programming and/or placements/services options are necessary to meet the student's identified needs while providing meaningful opportunities for interactions with peers without disabilities?

c. What accommodations, supports, and/or related services are needed to meet the student's identified needs?

D. Placement Considerations for Students who are Gifted and/or Talented whose ages are 3-21.

1. For the location of instruction/services, IEP Team members should consider the following.

a. Where the student would attend school if he or she did not have an exceptionality?

b. Based on IEP goals, what instructional settings would support the achievement of these goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2335 (November 2009).

§117. Placement/Least Restrictive Educational Environments

A. For Students with Exceptionalities ages 6-21. The Educational Environments are listed below in a continuum from least to most restrictive. This list is not a continuum of least restrictive environment for the deaf or hard-of-hearing students. The list should not be considered a continuum of least restrictive environment for students receiving gifted and talented services.

1. Inside the regular class 80 percent or more of the day

a. A regular class with special education/related services provided within regular classes; a regular class with special education/related services provided outside regular classes; or a regular class with special education services provided in resource rooms.

2. Inside regular class no more than 79 percent of day and no less than 40 percent of the day

a. Resource rooms with special education/related services provided within the resource room; or resource rooms with part-time instruction in a regular class.

3. Inside regular class less than 40 percent of the day

a. Self-contained special classrooms with part-time instruction provided in a regular class, or a self-contained special classroom with full-time special education instruction on a regular school campus.

4. Separate School

a. Public and private day schools for students with disabilities; public and private day schools for students with disabilities for a portion of the school day (greater than 50 percent) and in regular school buildings for the remainder of the school day; or public and private residential facilities when the student does not live at the facility.

5. Residential Facility

a. Public and private residential schools for students with disabilities; or public and private residential schools for students with disabilities for a portion of the school day (greater than 50 percent) and in separate day schools or regular school buildings for the remainder of the school day.

6. Hospital/Homebound

a. Hospital programs or homebound programs—students should be receiving a minimum of 4 hours of services per week. Refer to Bulletin 741, §1103 for more information.

7. Correctional Facilities

a. Short-term detention facilities (community-based or residential); or correctional facilities

B. For Students with Exceptionalities Ages 3-5. In determining the appropriate setting for a preschool-aged student, each setting noted shall be considered; but the list should not be considered a continuum of least restrictive environment. The settings for preschool-aged students, three through five years, are defined as follows.

1. For Students with Disabilities Ages 3-5

a. Attending a regular early childhood program at least 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

(a). regular early childhood programs include, but are not limited to Head Start, kindergarten, private kindergarten or preschools, preschool classes offered to an eligible pre-kindergarten population by the LEA (e.g., LA 4, Title I); and group child development center or child care;

ii. receives the majority of special education and related services in some other location.

b. Attending a regular early childhood program less than 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

ii. receives the majority of special education and related services in some other location.

c. In early childhood special education—separate class:

i. attends a special education program in a class that includes less than 50 percent nondisabled children. Special education programs include, but are not limited to special education and related services provided in special education classrooms in regular school buildings; trailers or portables outside regular school buildings; child care facilities; hospital facilities on an outpatient basis; and other community-based settings.

d. In early childhood special education—separate school:

i. receives special education in a public or private day school designed specially for children with disabilities.

e. In early childhood special education—residential facility:

i. receives special education in a public or privately operated residential school or residential medical facility on an inpatient basis.

f. Receiving special education and related services at home:

i. when the child does not attend a regular early childhood program or special education program, but the child receives some or all of his/her special education and related services in the home. Children who receive special education both in a service provider location and at home should be reported in the home category.

g. Receiving special education and related services at service provider location:

i. when the child receives all of their special education and related services from a service provider and does not attend an early childhood program or a special education program provided in a separate class, separate school, or residential facilities. For example, speech therapy is provided in private clinicians' offices; clinicians' offices located in school buildings; hospital facilities on an outpatient basis, and libraries and other public locations.

2. For Students who are Gifted and/or Talented Ages 3-5

a. Attending a regular early childhood program at least 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

(a). regular early childhood programs include, but are not limited to Head Start, kindergarten, private kindergarten or preschools, preschool classes offered to an eligible pre-kindergarten population by the LEA (e.g., LA 4, Title I), and group child development center or child care;

ii. receives the majority of special education and related services in some other location.

b. Attending a regular early childhood program less than 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

ii. receives the majority of special education and related services in some other location.

c. In early childhood special education—separate class:

i. attends a special education program in a class that includes less than 50 percent nondisabled children. Special education programs include, but are not limited to special education and related services provided in special education classrooms in regular school buildings; trailers or portables outside regular school buildings, and child care facilities.

d. In early childhood special education—residential facility:

i. attends a public or privately operated residential school or residential medical facility on an inpatient basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2335 (November 2009), amended LR 37:885 (March 2011).

§119. Parental Consent

A. A LEA shall obtain formal parental and/or student consent before it can initially provide a student with special education and related services in any setting.

1. The student's consent is needed once the student reaches the age of majority, which is age eighteen (18) in Louisiana. When a student reaches the age of majority that applies to all students, except for a student who has been determined to be incompetent under state law, the student shall be afforded those rights guaranteed at such age.

B. Consent includes the following:

1. the parent and/or student has been fully informed of all relevant information in a manner that is clearly understandable to the parent and/or student, and

2. the parent and/or student formally agree in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2336 (November 2009).

§121. Parental Disagreement with Provision of Services/Placement

A. Parents may disagree with all or some parts of the program, placement, or related services proposals. The LEA and the parents should make conciliatory attempts to resolve the disputes, including making modifications to the proposed program, placement, and related services. A LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009).

§123. Parental Withholding of Consent

A. When the parent of the student refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the LEA:

1. may not use the procedures in *Bulletin 1706*, Chapter 5 (including the mediation procedures under §506 or the due process procedures under §508-§517) in order to obtain agreement or a ruling that the services may be provided to a student;

2. will not be considered to be in violation of the requirement to make FAPE available to the student for the failure to provide the student with the special education and related services for which the public agency requests consent; and

3. is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which the public agency requests such consent.

B. If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services the LEA:

1. may not continue to provide special education and related services to the student, but must provide prior written notice in accordance with *Bulletin 1706* before ceasing the provision of special education and related services;

2. may not use the procedures in *Bulletin 1706*, Chapter 5 (including the mediation procedures under §506 or the due process procedures under §508-§517) in order to obtain agreement or a ruling that the services may be provided to a student;

3. will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services; and

4. is not required to convene an IEP Team meeting or develop an IEP for the student for further provision of special education and related services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009).

§125. Dispute Resolution Options

A. The LDE has adopted written procedures regarding the resolution of any complaint related to the identification, evaluation, educational placement, the level of services or placement, the provision of a free appropriate public education (FAPE) or payment for services that the parent has obtained for a student with a disability. The *Parent's Guide to Special Education Dispute Resolution* is designed to assist parents in understanding the Louisiana dispute resolution systems. The guide can be located at www.doe.state.la.us/lde/eia/2114.html.

B. IEP Facilitation is a new dispute resolution method. This option is available to parents and school districts when they both agree that it would be valuable to have a neutral person (IEP Facilitator) present at an IEP Team meeting to assist them in discussing issues regarding the IEP. Typically, an IEP Facilitator is brought in when parents and school district staff are having difficulties communicating with one another about what the student needs.

C. Informal Complaints/Early Resolution Procedures (ERP). It is the policy of the LDE to encourage and support prompt and effective resolution of any administrative complaint in the least adversarial manner possible. The implementation of the ERP by each LEA draws on the traditional model of parents and schools working cooperatively in the educational interest of the students to achieve their shared goal of meeting the educational needs of students with disabilities.

1. Formal administrative complaints are procedures developed under the supervisory jurisdiction of LDE to address allegations that an LEA is violating a requirement of Part B of the Act.

D. *Mediation* is an informal, voluntary process by which the parent and the LEA are given an opportunity, through the help of a trained mediator, to resolve their differences and find solutions to enhance the overall learning environment for the student. Differences may arise in the planning and implementing of an individualized educational program for a student with an exceptionality. It is important for parents and LEAs to have an opportunity to present their viewpoint in a dispute. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Mediation Services for Students with Exceptionalities* brochure for more information.

E. The parents and the LEA both have the right to an "impartial due process hearing" when disagreements arise between the parent and the LEA, relative to initiating or changing the identification, evaluation, or educational services and placement of a student with an exceptionality. Due process hearings may be initiated by the parent or the LEA. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Special Education Impartial Due Process Hearing* brochure for more information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009).

§127. Three-Year Age Span

A. Unless specifically permitted by the State Board of Elementary and Secondary Education, there shall not be a chronological age span of more than three years within a special education class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§129. Site Determination

A. When the site at which the student will receive services is not determined at the IEP Team meeting, within 10 calendar days, the site determination form shall be completed. The LEA has the right to select the actual school site at which the student will receive services.

B. In addition to the questions on the IEP and Site Determination Form, the following issues shall be considered:

1. students should be placed in programs on the basis of their unique special education needs, not as a result of their particular disabling condition; and

2. placement cannot be based either on a particular LEA's special education delivery system or on the availability of related services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§131. Additional Clarification

A. Although throughout Louisiana most students with exceptionalities are served in their neighborhood schools there are some extenuating circumstances that influence the decision to serve a student in a school other than his or her neighborhood school.

B. For Students with Disabilities. The following is provided as an example: In a small LEA, there may be only four multidisabled students who need a multidisabled self-contained class. The LEA may establish one classroom within the LEA. Those multidisabled students could be grouped together on a centrally located campus as age-appropriate as possible. Because of the limited number of students, the age span may be greater than the 3-year span. In this situation, ages may be from 10-14 years—with two children being 10-years-old, one being 11, and one being 14. When the administration decides to locate this class on an elementary K-6 campus because the majority of the class is of elementary age, there could be adequate justification to allow the 14-year-old to remain on the elementary campus.

This placement is not a desirable situation, but a necessity in some cases.

C. For Students who are Gifted and/or Talented. The following is provided as an example: A Resource Center for Gifted/Talented is a type of instructional setting, designed or located in one school, that provides instructional services to students who are gifted/talented from two or more schools and in which special education is provided by an individual certified in accordance with *Bulletin 746*; pupil/teacher ratios established in Bulletin 1706, Part B, are used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

Chapter 3. IEP Development

§301. Responsibilities

A. The responsibility for offering FAPE is met through the process of developing an IEP. This process includes:

1. communication between the LEA and the parents;

2. IEP Team meetings at which parents and school personnel make joint decisions and resolve any differences about the student's needs and services;

3. a completed IEP/placement document, which describes the decisions made during the meetings, including the special education and related services that are to be provided;

4. a formal assurance by the LEA that the services described in the document will be provided;

5. written parental consent for initial placement;

6. procedural safeguards for differences that cannot be resolved mutually;

7. initial placement and provision of services as described in the IEP/ placement document; and

8. consideration and/or determination of eligibility for Extended school year (ESY) services for students with disabilities. Refer to ESY section of this handbook (Chapter 7) for further guidance.

B. The IEP Team has the responsibility for determining the student's special educational and related services needs and placement.

C. A student dually identified with a disability and gifted and/or talented shall have his/her individualized educational program developed on the IEP for students with a disability.

D. A LEA is required to initiate and conduct IEP Team meetings periodically, but not less than annually, to review each student's IEP in order to determine whether the annual goals for the student are being achieved and to revise the IEP as appropriate. The LEA shall notify parents of the review IEP Team meeting in accordance with the same procedures as the initial IEP.

E. An additional IEP/placement review meeting is not required when a LEA elects to move the student to another school site within the agency when all of the information on the IEP remains the same and the effect of the program has not been changed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§303. Initial IEPs

A. Program Considerations for Students with Disabilities. Program decisions shall be made and written on the IEP in the following areas that form the basis for the placement.

1. General information about the student, including

2. the student's strengths; and

3. the concerns of the parents for enhancing the education of their child; and

4. the results of the initial evaluation or most recent reevaluation of the student; and

5. the student's present levels of academic achievement, developmental, and functional needs; and

a. how the student's disability affects the student's involvement and progress in the general education curriculum; and

b. how to determine when the student with a disability needs instructional materials in accessible formats (e.g., large print , Braille, digital, and/or audio); and

c. for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; and

6. as appropriate, the results of the student's performance on any general state- or district-wide assessment program.

7. The IEP Team shall also consider any of the following special factors:

a. for a student whose behaviors impede his or her learning or that of others, consider the use of positive behavioral intervention and supports, and other supports to address that behavior;

b. for a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;

c. for a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

d. the communication needs of the student, and in the case of a student who is deaf or hard-of-hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and a full range of needs, including opportunities for direct instruction in the student's language and communication mode;

e. whether the student requires assistive technology devices and services based on assessment/evaluation results;

f. for a student who has health problems, the needs to be met during the school day. These needs would include such medical conditions as asthma, diabetes, seizures, or other diseases/disorders that may require lifting and positioning, diapering, assistance with meals, special diets, or other health needs.

8. The measurable annual academic and functional goals, designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum,

a. shall be based on the academic standards for the grade in which the student is enrolled; and

b. shall be based on each of the student's other educational needs that result from the student's disability; and

c. short-term objectives/benchmarks shall be required for students with significant cognitive disabilities or functions like a student with significant cognitive disabilities at all ages and grade levels, including preschool-aged students;

i. short-term objectives/benchmarks shall be required for students who participate in LAA 1 (the alternate assessment aligned to alternate achievement standards);

ii. IEP Teams may continue to develop short-term instructional objectives or develop benchmarks that should be thought of as describing the amount of progress the student is expected to make within a specified segment of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress to coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP Team may use either short-term objectives or a combination of the two, depending on the nature of the annual goals and needs of the child.

d. The participation in appropriate activities for the preschool-aged student.

9. The special educational and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and the program modifications or supports for school personnel will be provided for the student

a. to advance appropriately toward attaining the measurable annual goals; and

b. to be involved and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

c. to be educated and participate with other students with and without disabilities in the activities.

10. An explanation is given to the extent in which the student will not participate with students without disabilities in the regular class and extracurricular and other nonacademic activities.

11. The participation in the annual statewide assessment for the student in grades 3-11; and

a. the need for any individual accommodations in the administration of state- or district-wide assessments of academic achievement; and

b. when the IEP Team determines the student shall participate in an alternate assessment instead of the regular statewide assessment, a statement of why

i. the student cannot participate in the regular assessment; and

ii. the particular assessment selected as appropriate for the student.

12. The anticipated frequency, location, and duration of the special educational services and modifications.

13. The type of physical education program to be provided.

14. For each student beginning at age 16, transition service needs that focus on the student's courses of study; and

a. for each student not later than the first IEP to be in effect when the child turns 16, or younger, when determined appropriate by the IEP Team, and updated annually thereafter, the needed transition services including any interagency responsibilities or linkages.

15. The need for extended school year services (refer to Chapter 7) based on student performance on academic/functional goals and/or objectives/ benchmarks.

a. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of the measurable annual goals and/or objectives/benchmarks, and whether the data supports that, the student meets any of the criteria for ESY eligibility.

B. Program Considerations for Students who are Gifted and/or Talented. Program decisions shall be made and written on the Gifted/Talented IEP in the following areas that form the basis for the placement.

1. General information about the student, including student interests; and

a. in the case of a student with limited English proficiency, whose language needs relate to the student's IEP;

2. the student's strengths;

3. the concerns of the parents for enhancing the education of their child;

4. as appropriate, the results of the student's performance on any general state- or district-wide assessment program for students in grades 3 -11;

5. the results of the initial evaluation or most recent reevaluation of the student;

6. input from the regular education teacher regarding student classroom performance, including academic achievement and social skills;

7. any pertinent social and emotional needs;

8. the student's present levels of educational performance, including the student's academic achievement and social/emotional needs;

9. the measurable annual academic and/or enrichment and/or social goals;

a. meeting the student's needs that result from the student's exceptionality and progress in an accelerated and enriched curriculum, and

b. meeting each of the student's other educational needs that result from the student's exceptionality, and

i. in the case of a student whose behaviors impede his or her learning or that of others, consider the use of positive behavioral intervention strategies and other supports to address that behavior;

c. the participation in appropriate activities for the preschool-aged student;

10. the related services, which may include transportation and counseling;

11. the accommodations needed for instructional and statewide assessment purposes must be documented on the *Section 504 Individual Accommodation Plan* (IAP). A copy of the IAP should be kept in the student's IEP folder;

12. and the anticipated frequency, location, and duration of the special education services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§305. Review IEPs

A. Program Considerations for Students with Disabilities. The IEP Team shall review and revise the IEP for students with disabilities to address:

1. any lack of expected progress toward achieving the annual goals and objectives/benchmarks;

2. any lack of expected progress in the general education curriculum (e.g., the student is making failing grades or through progress monitoring the student's lack of progress in the general education curriculum is evident);

3. the results of the student's performance on any state- or district-wide assessment;

4. the results of any reevaluation;

a. for any additional concerns, the procedures for evaluation established in *Bulletin 1508, Pupil Appraisal Handbook* shall be followed; and

b. in the event the parent signs the triennial reevaluation waiver, a statement must be included on the next IEP.

c. in the event the results of the reevaluation indicate *no exceptionality*, an IEP will not be developed and special education and related services cease;

5. information about the child shall be provided to, or by, the parents;

6. the student's anticipated needs;

7. the student's special educational and related service needs; for the preschool-aged child, his or her developmental needs shall be addressed;

a. to determine when the student with a disability needs instructional materials in assessible formats (e.g., Braille, large print, digital, and/or audio);

8. any positive behavior interventions and strategies that should be used, as needed;

9. updated decisions about the student's program, placement, and related services;

10. consideration of special factors as listed in §303.A.6.a-f;

11. for each student beginning at age 16, discuss transition service needs that focus on the student's courses of study;

a. for each student beginning not later than the first IEP to be in effect when the student turns 16, discuss the needed transition services including any interagency responsibilities or linkages;

12. consideration of location of instruction/services, refer to §115-117.

13. the need for extended school year services. This need shall be based on student performance on academic/functional goals and/or objectives/ benchmarks. Refer to the ESY section of this handbook (Chapter 7).

a. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of his or her goals, and/or

objectives/benchmarks, and whether the student's progress meets any of the criteria for ESY eligibility.

14. Discuss any other matters.

B. A review meeting shall be conducted in addition to the required annual review when

1. the student's teacher feels the student's IEP or placement is not appropriate for the student; or

2. the student's parents believe their child is not progressing satisfactorily in the general education curriculum or that there is a problem with the student's IEP;

3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal or objective; to add or delete a related service;

4. the student has been determined to be eligible for ESY and will receive ESY services;

5. the behavior of the student warrants a review by the IEP Team to decide on strategies including positive behavioral intervention, strategies, and supports to address the behavior;

6. either a parent or a public agency believes that a required component of the student's IEP should be changed;

7. the LEA determines that a change in the IEP may be necessary to ensure the provision of FAPE;

a. a hearing officer orders a review of the student's IEP/placement document;

8. in the case in which the IEP/placement document is entirely rewritten, the date of that meeting shall become the anniversary date for the next annual review meeting.

C. Program considerations for Students who are Gifted and Talented. The IEP Team shall review and revise the IEP for students who are gifted and talented to address:

1. any lack of expected progress toward achieving the annual goals;

2. any lack of expected progress in the general education curriculum;

3. the results of the student's performance on any state- or district-wide assessment;

4. the results of any reevaluation;

a. for any additional concerns, the procedures for evaluation established in *Bulletin 1508, Pupil Appraisal Handbook* shall be followed;

b. in the event the results of the revaluation indicates *no exceptionality*, an IEP will not be developed and gifted and/or talented services cease;

5. information about the student provided to, or by, the parents;

6. the student's anticipated needs;

7. the student's special educational needs; for the preschool-aged child, address his or her developmental needs;

8. any positive behavior interventions and strategies that should be used, as needed;

9. updated decisions about the student's program and placement;

10. in making decisions for location of instruction/services, refer to §115-117;

11. any other concerns.

D. A review meeting shall be conducted in addition to the required annual review when:

1. a student's teacher feels the student's IEP or placement is not appropriate for the student; or

2. the student's parents believe their child is not progressing satisfactorily or that there is a problem with the student's IEP; or

3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal; to add or delete a related service; or

4. either a parent or a public agency believes that a required component of the student's IEP should be changed; or

5. the LEA determines that a change in the IEP may be necessary to ensure the provision of FAPE; or

a. a hearing officer orders a review of the student's IEP/placement document; and

b. a review IEP Team meeting shall be conducted as part of the reevaluation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2340 (November 2009).

§307. Interim IEPs

A. Placement Decisions. Local directors/supervisors of special education may approve enrollment in special education after pupil appraisal personnel have reviewed existing student information.

1. An interim IEP may be developed for students transferring from out-of-state who were receiving special educational services, concurrent with the conduct of an initial evaluation according to the *Bulletin 1508, Pupil Appraisal Handbook*.

2. An interim IEP may be developed concurrent with the conduct of an initial evaluation for students out of school, including students ages three-through-five who are suspected of having a disability, and for former special education students, through the age of twenty-two, who have left a public school without completing their public education by obtaining a state diploma.

3. Formal written parental consent shall be obtained for a multidisciplinary evaluation to be conducted according to *Bulletin 1508, Pupil Appraisal Handbook* and an interim IEP may be developed.

a. During the time the evaluation is in process, all regulations shall apply.

b. If an interim IEP were developed, it–may be amended as necessary.

4. Parents of these students shall be informed at the interim IEP Team meeting that the evaluation results must classify a student as exceptional for that child to remain in the special education program.

5. An interim IEP shall not be developed when a student has a current IEP or evaluation.

B. Parental Consent. Parental consent for the interim placement and related services shall be obtained by parental signature on the IEP form.

1. Parents shall be informed that the student will exit from the special education program when the student is found to be ineligible for special educational services according to the criteria in *Bulletin 1508, Pupil Appraisal Handbook.* A statement stating the above should be written in the comment section of the IEP when it is developed.

2. When the student is eligible for special educational services, an initial IEP/placement meeting will be conducted within 30 calendar days from the date of dissemination of the written evaluation to the LEA's special education administrator.

C. Program Considerations. In the development of the IEP, the IEP Team's discussion about the current performance and goals for the student will have to be conducted without the benefit of integrated assessment data or teacher observation.

1. To gather information about current performance, the parent may be the prime source of information about the student's skills, development, motivation, learning style, etc.

2. The goals should address the student's educational program during the assessment process.

3. When available information indicates that related services are required, services should be provided.

4. The student's performance during an interim placement shall be documented by the teacher and pupil appraisal personnel. This documentation should provide meaningful data for determining an appropriate program and placement.

D. Extended School Year

1. Students on interim IEPs shall be considered for extended school year services. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. Student performance on academic/functional goals and/or objectives/benchmarks on the IEP are monitored on an ongoing basis throughout the school year. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of his or her goals, benchmarks, objectives, and whether the student's progress meets any of the criteria for ESY eligibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2341 (November 2009).

§309. Related Services Considerations

A. *Related Services for Students with Disabilities* means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education. A LEA, as part of its requirement to provide FAPE, shall provide any related service for which there is a documented need. However, for certain related services, specific eligibility criteria shall be met according to *Bulletin1508, Pupil Appraisal Handbook.* The decision regarding related services shall be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, parents, etc. Examples of support and related services may include speech/language pathology services, assistive technology, physical or occupational therapy, audiological services, orientation and mobility services, interpreting services and counseling, including rehabilitation counseling, psychological services, recreation, including therapeutic recreation, early identification and assessment of disabilities in children and transportation services. Medical services for diagnostic or evaluation purposes may also include school health services and school nurse services, social work services in schools, and parent counseling and training.

1. Exception; services that apply to students with surgically implanted devices, including cochlear implants;

a. related services do not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of the device, or the replacement of the device;

b. nothing limits the right of a student with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE;

c. nothing limits the responsibility of the LEA to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or

d. nothing prevents the routine checking of an external component of a surgically implanted devise to make sure it is functioning properly.

2. The IEP Team shall consider each related service that is recommended on the evaluation reports and document and the decisions on the IEP form. For example, the team shall:

a. list all services recommended by the team and the service provision schedules, dates, and location, etc.;

b. explain the team's decisions not to include a recommended related service;

c. explain delays in providing any related service listed on the IEP.

i. This delay, or hardship, in no way relieves a LEA from providing the service and from documenting every effort to provide it in a timely manner.

d. The participation of related service personnel is extremely important during the IEP Team meeting. Involvement should be through either direct participation or written recommendations.

3. Additional Notes about Related Services

a. Adapted physical education (APE) is not a related service; APE is a direct instructional program. A student who requires only adapted physical education may be eligible for related services, since adapted physical education is a direct instructional program.

b. A student who is identified with only a speech or language impairment may be eligible for other related services, since in this case speech therapy is the direct special educational program.

c. Considerations for related services provided during ESY are the same as for the IEP.

B. Related Services for Students who are Gifted and/or Talented may include transportation or counseling, which must be addressed on the IEP. The decision regarding related services shall be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, parents, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2342 (November 2009).

Chapter 5. Participation in Statewide Assessments

§501. Participation in Statewide Assessments

A. All special education students shall participate in statewide assessments in grades 3-11.

B. Students are to take the test that corresponds to the grade in which they are enrolled.

C. The decision as to which test a student with disabilities participates in is made on an annual basis by the IEP team.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009).

§503. Types of Alternate Assessments

A. LEAP Alternate Assessment, Level 1 (LAA 1), was developed for students with disabilities who are served under IDEA for whom there is evidence that the student is functioning three (3) or more standard deviations below the mean in cognitive functioning and/or adaptive behavior. Only students with the most significant cognitive disabilities or functions like a student with significant cognitive disabilities are eligible to participate in LAA 1 (this does not include students identified as Mental Disabilities–mild). LAA 1 is a performance-based assessment designed for students whose instructional program is aligned with the Louisiana Extended Standards.

B. LEAP Alternate Assessment, Level 2 (LAA 2) based on modified academic achievement standards, was developed for students with persistent academic disabilities who are served under IDEA to participate in academic assessments that are sensitive to measuring progress in their learning. There is evidence the student is having significant academic difficulties in English language arts, reading and/or mathematics. LAA 2 is a criterion-referenced assessment designed for students whose instructional program is aligned with the Louisiana Content Standards:

1. A student who meets the LAA 2 Participation Criteria may test in all or in one or more content areas of LAA 2, based on the determination of the IEP team. The IEP team may decide that the student will participate in the LAA 2 assessment in one or more content areas and at the same time participate in the regular statewide assessment (*i*LEAP/LEAP/GEE) for the remaining content areas required at the student's enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009).

§505. Alternate Assessment Participation Criteria

A. LEAP Alternate Assessment, Level 1 (LAA1)

1. The student has a disability that significantly impacts cognitive function and/or adaptive behavior.

2. The student requires extensive modified instruction aligned with the Louisiana Extended Standards to acquire, maintain, and generalize skills.

3. The decision to include the student in LAA 1 is not solely based on the following:

a. student's placement;

b. excessive or extended absences;

c. disruptive behavior;

d. English language proficiency;

e. student's reading level;

f. student's disability according to *Bulletin 1508*;

g. social, cultural, and/or economic differences;

h. anticipated impact on school performance scores;

i. administrative decision;

j. expectation that the student will not perform well on the LEAP, iLEAP, GEE or LAA 2.

B. LEAP Alternate Assessment, Level 2 (LAA 2)

1. The student scored at the Unsatisfactory level in English language arts and/or mathematics on the previous year's LEAP/iLEAP/GEE or scored Needs Improvement on the English II or English III and/or Algebra 1 or Geometry EOC or participated in the LAA 1 or LAA 2.

2. The student has an IEP with goals based on academic content standards for the student's enrolled grade and the student requires support to access the general education curriculum.

3. The student's progress to date, in response to appropriate instruction designed to address the student's individual needs is such that, even if significant growth occurs, the student will not achieve grade-level proficiency within the year covered by the student's IEP.

4. The decision to test a student in LAA 2 is not solely based on the following:

a. student's placement;

b. excessive or extended absences;

c. disruptive behavior;

d. English language proficiency;

e. student's reading level;

f. student's disability according to *Bulletin 1508*;

g. social, cultural, and/or economic differences;

h. anticipated impact on school performance scores;

i. administrative decision;

j. the expectation that the student will not perform well on the regular assessment (LEAP, iLEAP, GEE).

C. LAA 1 and LAA 2 Participation Criteria forms can be located in *Bulletin 1530*, Section 2, or at www.louisianaschools.net/lde/saa/2219.html.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011).

§507. Test Accommodations

A. The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment shall be documented annually on the program/services page of the student's IEP.

B. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

C. Test accommodations are described in Bulletin 118, Statewide Assessment Standards and Practices.

D. For Students who are gifted and/or talented, any accommodations the student is to receive for instruction and assessment shall be documented annually on the student's IAP. A copy of the IAP should be kept in the student's IEP folder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009).

Chapter 7. Extended School Year Services

§701. Overview

A. Extended school year (ESY) services are the provision of special education and related services to students with disabilities beyond the normal school year of the LEA .The LEA must utilize specific eligibility criteria to determine the need for extended school year services to ensure the provision of FAPE. Services are provided in accordance with an IEP and at no cost to the parents of the student.

B. Once a student's extended school year services have been planned through the IEP process, the services shall be implemented. LEAs should provide extended school year instruction in a location that is the least restrictive environment option for that student. The services necessary to meet the goals and objectives targeted on the ESY section of the IEP are to be provided.

C. Careful documentation should be kept in order to evaluate the student's performance and progress toward the completion of the ESY goals and objectives. Accurate records of student performance will assist the IEP Team in the upcoming school year to continue the educational program with a minimum of interruption and disruption.

D. Ongoing student performance assessment is always an integral part of any educational program, and it should be documented on appropriate data collection forms (e.g., grade book, checklist, task analysis form) and progress reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2344 (November 2009).

§703. Responsibilities

A. The IEP Team is responsible for developing the extended school year services for the student. The IEP Team shall consider the student's educational needs according to the criterion/criteria by which that student qualified for ESY services. Throughout the planning phase, the team is involved in a very individualized decision-making process based on the student's specific needs identified throughout the regular school year data collection.

B. At the IEP Team meeting, the IEP Team shall discuss any and all pertinent criterion/criteria and examine student performance data. The IEP Team shall consider student performance on critical skills as they relate to ESY eligibility criteria.

1. The decision regarding ESY eligibility should not be made before January 1 of the current school year unless there is sufficient data to make that decision prior to January.

2. Extended school year services shall be provided only when a student's performance data indicate that the services are necessary for the provision of FAPE.

3. The LEA may not limit extended school year services to particular categories of disability; or unilaterally limit the type, amount, or duration of those services.

C. ESY services are available for students who meet the eligibility criteria and meet the following conditions:

1. are between the ages 3-21;

2. are identified with a disability according to the *Bulletin 1508, Pupil Appraisal Handbook*; and

3. have a current IEP.

D. ESY services are:

1. based on student's unique educational needs;

2. designed to address critical skills of the student;

3. tailored to fit the needs of each qualifying student; therefore, the length of ESY services varies;

4. considered and determined on a yearly basis; and

5. provided sometimes in non-traditional settings.

E. All LEAs shall utilize the specific eligibility criteria to determine the need for ESY and service planning guidelines to design, implement and evaluate the extended school year service provided to the student by:

1. evidence related to the student performance of critical skills as it relates to ESY eligibility criteria; and,

2. the probability that the student could master/maintain the goals and/or objectives/benchmarks stated on the IEP with the provision of ESY services.

F. LEAs should continue to address LRE needs of the student in the implementation of ESY services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2344 (November 2009).

§705. ESY Eligibility Criteria

A. ESY eligibility criteria shall be used in the determination of eligibility for ESY services.

B. The determination of eligibility shall be made prior to the start of summer ESY services.

C. Three criteria are used to determine a student's need for ESY services: Regression-Recoupment, Critical Point of Instruction, and Special Circumstances.

1. Regression-Recoupment (R-R) Criterion

a. This criterion shall be applied to all students with significant cognitive disabilities or who functions like students with significant cognitive disabilities at all ages and grade levels, including preschool aged students.

b. This criterion should be considered for all students suspected of having difficulty with recoupment of skills.

i. When the IEP Team decides to monitor a student using Regression-Recoupment criterion who is not participating in LAA 1, the team shall target specific critical goals and/or objective/benchmarks on the IEP as a basis to determine eligibility at the next IEP.

c. Definitions

i. *Pattern of Regression-Recoupment Problems*—following a break in instruction, there is a failure to regain the performance level for an objective/skill such that the highest post-break score is lower than the highest pre-break score for any objective (i.e., critical skill) across two breaks in instruction.

ii. *Break in Instruction*—a break of at least five instructional days.

iii *Highest Pre-Break Score*—the highest score (of at least two data points) in the two-week period immediately preceding the break in instruction.

iv. *Highest Post-Break Score*—the highest score (of at least two data points) in the two-week period immediately following the break in instruction.

d. Steps for applying the R-R Criterion

i. The teacher/instructional personnel reviews student performance data before and after a minimum of two breaks in instruction. The method and frequency of data collection will depend on the objectives/benchmarks.

ii. Following extended breaks in instruction (i.e., full summer), it is expected the student will recoup the skills within 4 weeks.

iii. The teacher/instructional personnel determines whether there is a regression-recoupment problem such that the highest of the post-break score is lower than the highest of the pre-break score for "any" objective/benchmark and/or break.

iv. The student is eligible for ESY services when the performance data demonstrates a pattern of problems with recouping performance on any objective/skill across any two breaks within the current IEP.

2. Critical Point of Instruction (CPI) Criterion

a. This criterion shall be considered for all students.

b. Definitions

i. *Critical Point of Instruction-1* (CPI-1)—in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development.

ii. *Critical Point of Instruction-2* (CPI-2)—in the absence of extended school year services, the student would be at risk of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas). Behaviors to be considered for CPI-2 include self-injurious, ritualistic, and/or aggressive behaviors that negatively impact the health, well being and/or delivery of instruction to the student.

c. Steps for Applying the CPI Criteria

i. The teacher/instructional personnel examines student performance data and determines whether in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development (CPI-1) or would be in danger of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas) (CPI-2).

ii. CPI-1: The teacher/instructional personnel determines that the student is projected to be at a critical stage in the general education curriculum, and special education services provided during an extension of the regular school year will allow the student to maintain the level of services indicated in the regular year IEP.

iii. CPI-2: The teacher/instructional personnel determine that the student will require extended school year services to achieve meaningful benefit in the goal area.

(a). Students exhibiting interfering behaviors and qualifying under CPI-2 should have a goal and/or objectives/benchmarks on the IEP to address those behaviors; and documentation shall include a description of the behavior, baseline data, copy of the behavior intervention plan, and when available, a copy of the functional behavior analysis.

iv. The student is eligible for ESY when there is evidence the impact of providing ESY services could enable the student to maintain and/or achieve grade-level expectations and reduce the loss of skill acquisition, fluency and/or maintenance.

3. Special Circumstances (SC) Criterion

a. Employment

i. Students ages 16-21 shall be considered for ESY services when there is documentation (i.e., job performance data) that the student is in need of support to maintain paid employment. *Paid Employment* refers to pay commensurate/minimum wage or has an alternate wage certificate from the Department of Labor to be paid at a reduced level.

ii. A written statement from the student's employer signifying his or her intention to employ the student throughout the summer months; and

iii. a current IEP with goals and action steps targeted for transition in the area of employment.

iv. The student is eligible for ESY services when there is evidence the student is in need of support to maintain paid employment during the summer months.

b. Transition from Early Steps to Part B (Preschool)

i. Students transitioning from Early Steps to Part B preschool services who have spring/summer birthday shall be considered for ESY services.

ii. The student is eligible for ESY when there is evidence from the performance data on the Individualized Family Service Plan (IFSP) that the student will fail to maintain performance skills and will regress without ESY services.

c. Transition to Post-school Outcomes

i. Students who have a transition plan and who are expected to exit the LEA at the end of the school year shall be considered for ESY services. The teacher/instructional personnel shall examine the documentation of the incomplete action steps and corresponding goals that are the responsibility of the LEA.

ii. The student is eligible for ESY when the student is in need of services to complete the action steps that are the responsibility of the LEA that are not expected to be completed by the end of the student's final year in school.

d. Excessive Absences

i. A student with a disability who has documented absences during the school year, in excess of 25 days, for health-related conditions without the provision of hospital/homebound services and who has failed to make projected progress shall be considered for ESY services.

ii. A student is eligible for ESY services when there is evidence that failure to acquire the goals and/or objectives/benchmarks will seriously jeopardize the overall educational progress of the student; and

iii. the ESY services could have a significant impact on the student's ability to make progress toward the acquisition of established goals and objectives/benchmarks.

e. Extenuating Circumstances

i. There may be unusual situations or circumstances when ESY services may be needed, but the student does not meet any of the eligibility criteria.

ii. The teacher/instructional personnel shall use professional judgment to make the decision whether the student needs ESY services in order to receive FAPE. The teacher/instructional personnel shall determine if a break in instruction will negatively impact or cause the student to lose skills that will restrict the student's ability to function as independently as possible.

iii. Two steps to determine eligibility for an extenuating circumstance are:

(a). consider the previously described ESY eligibility criteria, and

(b). determine there is a need for ESY services through the examination of student performance data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2344 (November 2009).

§707. ESY Eligibility Determination

A. The ESY eligibility decision for each student is to be made between January 1 and the onset of ESY services for the current school year unless there is sufficient data to make that decision prior to January.

B. After examining the student's performance data one of the following decisions shall be made:

1. the student is eligible for services;

2. the student is eligible for services, and the parent declines;

3. the student is ineligible for services; or

4. ESY determination of eligibility will be made later during the same school year.

C. When the student is determined eligible for ESY services, the team must complete the ESY form of the IEP.

D. When the IEP Team decides not to make a determination it shall be documented on the IEP and the ESY decision must be prior to the start of ESY services.

E. When the student is determined ineligible for ESY services based on student performance data, the parents must receive notification of the determination and informed of their due process rights and procedures.

F. When consensus regarding ESY eligibility or services cannot be reached and the parents disagree with the decision, the parents shall be informed of their due process rights and procedures.

G. If the parents of a student with disabilities decline extended school year services, this does not affect other IEP services. ESY does not apply to students who are gifted and/or talented or students on Services Plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2346 (November 2009).

§709. Provision of ESY Services

A. It is the responsibility of the special education administration to schedule the specific days of the week and the beginning and ending date options to accommodate each student's ESY services. As indicated throughout this process, duration is based on the individual needs of the student.

1. Regression-Recoupment Criterion (R-R). The emphasis will be on the maintenance of essential skills. The breaks between ESY and the regular school year should not exceed the break periods upon which the student qualified for ESY services.

2. Critical Point of Instruction 1 (CPI-1). The emphasis will be on the skills the student needs in order to prevent loss of general education time or to prevent an increase in special education service time. The length of time will be based on the number of skills the student must acquire to maintain his LRE.

3. Critical Point of Instruction 2 (CPI-2). The emphasis is on acquisition or maintenance of critical skills. The number of sessions per week will be dependent upon whether the specific student needs acquisition or maintenance. Acquisition programs are usually shorter with more sessions per week, while maintenance programs are often longer in duration with fewer sessions per week.

4. Special Circumstances (SC). The emphasis of the ESY services is on mastery of specifically targeted goals and objectives to assist in ensuring the student will be on track to achieve his or her measurable annual goals. The sessions/week and duration of the extended school year services will depend upon which and how many goals and objectives have been targeted and the lack of expected progress toward the achievement of the annual goals during the last school year.

B. The focus of a student's ESY services would be based on the needs identified.

1. The IEP Team determines the services the student will need to receive during the extended school year and which personnel will be needed to provide the services.

2. Not all students need the same program length. Extended school year services are an individual, student-based decision.

3. There is no minimum or maximum number of goals and objectives to be identified for ESY instruction. The number of objectives identified for ESY instruction is based on individual student needs. The major purpose of ESY services is to extend instruction from the regular school year to maintain FAPE. The ESY is not a program aimed at remediating all areas of deficit.

a. If the IEP Team determines that a new goal and/or objectives are needed for ESY, then the IEP shall be amended and a new goal and/or objective written.

C. Location

1. The IEP Team discusses the location where the ESY service should take place to implement each ESY goal and/or the objectives/benchmarks. One or more locations may be recommended. The LEA shall determine the most reasonable location(s) for the provision of ESY services.

a. When the location selected is home, indicate the number of minutes under Community on the time-frame grid.

D. Date ESY to Begin

1. The amount or duration of ESY services cannot be unilaterally limited for all students. When planning ESY services, it would be appropriate to consider the LEA's summer calendar. When the LEA's summer calendar is not available at the time of the IEP Team meeting where ESY services are being discussed, the team may estimate the date to begin based on the duration of services determined to be needed by the student.

a. The IEP Team should discuss conflicts that could interfere with the student's attendance during the ESY. For example, there may be a family vacation or surgery scheduled. This information should be taken into account in scheduling the student's ESY services.

b. When a student meets eligibility criteria for ESY services under R-R, the breaks between regular school year and ESY services should not exceed the break periods used to determination eligibility.

E. Duration

1. The length of time ESY services is provided.

2. The criteria/criterion by which the student was determined eligible and the goals and/or objectives/benchmarks chosen to be addressed during the ESY services should dictate the duration of services.

F. Progress Reports

1. LEAs shall ensure that instructional personnel measure and report student outcomes. The student's progress toward achieving the measurable goal(s) during ESY services shall be recorded on the ESY form. A copy of the form with student progress indicated shall be sent to the parents within ten business days after the completion of ESY services.

2. A copy of the ESY form with the completed progress report information shall be placed in the student's IEP folder.

G. Transportation

1. Transportation shall be offered when necessary. As with other services, the IEP Team should recommend transportation services in the least restrictive, most appropriate mode available. The transportation recommended shall be reasonable and at no cost to the parents. Mileage reimbursement may be used as a transportation option only when the parents are willing to transport their child.

2. There may be cases in which students shall remain at a site longer than the time indicated on the ESY form of the IEP because of transportation limitations. When this is the case, the student shall be supervised at all times. The student's need to remain at the site because of transportation limitations shall be indicated in the comment box on the ESY form.

H. Evaluation

1. LEAs shall evaluate ESY services outcome data to determine overall effectiveness.

a. Effectiveness should be reflected in the match between the needs of the student and the services provided.

b. Effectiveness should be reflected in the criteria by which the students were determined to be eligible and whether the students mastered or maintained the goals/objectives/benchmarks chosen during the delivery of ESY services.

c. Effectiveness is evaluated from the individual student perspective, as well as system-wide.

d. Program operations should be examined to determine the effectiveness of the ESY services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2346 (November 2009).

Chapter 9. Services Plans for Parentally Placed Students in a Private School

§901. No Individual Right to Special Education and Related Services

A. No parentally placed private school student with disabilities has an individual right to receive some or all of the special education and related services that the student would receive when enrolled in a public school.

B. When a student with disabilities is enrolled in a religious or other private school by the student's parents and will receive special education or related services from an LEA, the LEA shall:

1. initiate and conduct meetings to develop, review, and revise a *Services Plan* for the student;

2. ensure the attendance of a representative of a private school when the student is voluntarily enrolled in a private school. When the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

3. Parentally placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

4. Students with disabilities aged three-through-five are considered to be parentally placed private school students with disabilities when enrolled by their parents in private, including religious elementary schools, that meets the definition of elementary school in *Bulletin 1706/Subpart A-Regulations for the Implementation of the Children with Exceptionalities Act* §905.

C. When the LEA opts to provide special education services to students identified as gifted and/or talented, the Services Plan may be used to identify the services.

AUTHORITY NOTE:. Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2347 (November 2009).

§903. Services Provided in Accordance with a Services Plan

A. Students with disabilities who have been designated to receive services shall have a Services Plan that describes the specific special education and/or related services that the LEA will provide to the student as determined through the consultative process.

1. The services plan to the extent appropriate will be developed, reviewed, and revised in accordance with the rules and regulations pertaining to the IEP as stated in this document.

2. For any additional questions regarding services for students with disabilities enrolled by parents in private school go to idea.ed.gov, and click on the Q and A documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2347 (November 2009).

§587.1. Provision of information to protect children

A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15, Children's Code Article 424.1, and R.S. 46:51.2 and 1441.13, any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, and as provided in R.S. 46:51.2(A), the Department of Children and Family Services as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys shall request in writing that the bureau supply information to ascertain whether that person or persons have been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization or department making the request. It must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

(b) In responding to a request for information as provided for in Subparagraph (a) of this Paragraph, the bureau shall make available a record of all criminal arrests and convictions prior to the date of request. Any recipient of such information as provided in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

(c) The bureau, upon receiving a request as provided for in Subparagraph (a) of this Paragraph, shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested or convicted of or pled nolo contendere to any such crime or crimes, the crime or crimes of which he has been arrested or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.

(2) In addition to the requirements of Paragraph (1) of this Subsection, in responding to a request pursuant to R.S. 17:15, the bureau shall make available to the state Department of Education and to the governing authority of any elementary and secondary school a record of all criminal convictions prior to the date of request. Any recipient of such information as provided in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

B.(1) Upon receiving a request pursuant to the provisions of R.S. 17:15, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the requirements of Subsection A of this Section, the bureau of criminal identification and information shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau of criminal identification and information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

(2)(a) When an individual's record contains information which has been expunged, the bureau shall include in its report to the requesting person or entity the date of the arrest and a notation that the individual's record contains information which has been expunged and that the requestor may contact the bureau in order to obtain further information regarding the

expunged information.

(b) The bureau shall establish policies and procedures by which the persons and entities enumerated in this Section may be furnished with expunged information. These policies and procedures shall not require the requesting person or entity to personally appear at the office of the bureau in order to obtain access to the expunged information.

(c) The requesting person or entity, upon receiving the expunged information, shall maintain the confidentiality of the information as provided by law, and the expunged information shall not be deemed a public record.

(d) The information may be used or admitted as evidence in any court proceeding or employment or disciplinary hearing in which the receiving person or entity is an authorized participant.

C. The provisions of R.S. 15:825.3, R.S. 17:15, R.S. 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

(1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8, R.S. 14:41 through R.S. 14:45, R.S. 14:74, R.S. 14:78, R.S. 14:78.1, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, crimes of violence as defined in R.S.14:2(B), sex offenses as defined in R.S. 15:541, R.S. 14:106, R.S. 14:282, R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970 (A) or convictions for attempt or conspiracy to commit any of those offenses;

(2) Those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection, and

(3) Those under the Federal Criminal Code having analogous elements of criminal and moral turpitude.

D.(1) The costs of providing the information required under this Section shall be charged by the bureau to the private employer or to the department, office, or other agency of government which has given, or is considering giving, a person supervisory or disciplinary authority over children or which made the request for information pursuant to the provisions of R.S. 17:15 or R.S. 46:51.2. Neither the individual applicant nor a judge exercising juvenile jurisdiction shall bear such costs.

(2) The prohibition in Paragraph (1) of this Subsection against an individual applicant bearing any of the costs of providing information shall not apply to requests made pursuant to the provisions of R.S. 17:15 or R.S. 46:51.2.

E. In addition to any penalties otherwise imposed under the provisions of this Chapter, the head of or other responsible person for any public entity who fails to comply with the provisions of Subsection A of this Section or who employs any person in violation of the provisions of R.S. 15:825.3, R.S. 17:15, or R.S. 46:51.2(A) or (B), shall be fined not more than five hundred dollars.

F. This Section may be cited as the "Louisiana Child Protection Act".

G. Notwithstanding any other provision of law to the contrary, the bureau and the Department of Public Safety and Corrections, corrections services, may utilize the National Crime Information Center to conduct such background checks as are required by this Section.

H. Any licensed child placement agency as defined in Children's Code Article 1169 and any person authorized to conduct preplacement home studies pursuant to Children's Code Article 1172 shall be entitled to information from the bureau to ascertain whether a person has been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The

bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the licensed child placement agency or person authorized to conduct preplacement adoption home studies, make available to the agency or person only that information contained in the bureau's criminal history record and identification files necessary in determining whether a person has been arrested for or convicted of, or pled nolo contendere to, a crime. The bureau shall charge the cost of providing such information to the agencies and persons entitled to receive the information as provided in this Subsection.

I. Notwithstanding any other provision of law to the contrary, the Department of Children and Family Services, office of children and family services, may utilize the National Crime Information Center to conduct background checks authorized in R.S. 15:587 when investigating or responding to reports of abuse or neglect as provided for in Section 151 of Public Law 109-248.

J. Any Court Appointed Special Advocate program as defined in Children's Code Article 116(2.1) shall be entitled to information from the bureau to ascertain whether a person being considered for involvement with the CASA program has been arrested for, or convicted of, or pled guilty or nolo contendere to, any criminal offense. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the CASA program, survey its criminal history records and identification files. The Court Appointed Special Advocate program may request the bureau to make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The Louisiana Bureau of Criminal Identification and Information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled guilty or nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled guilty or nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

Acts 1986, No. 760, §1, eff. Jan. 1, 1987; Acts 1987, No. 735, §1; Acts 1989, No. 92, §1; Acts 1989, No. 198, §1; Acts 1989, No. 701, §1; Acts 1991, No. 125, §1; Acts 1993, No. 923, §1; Acts 1995, No. 1171, §1; Acts 1997, No. 904, §2, eff. July 10, 1997; Acts 1997, No. 1067, §1; Acts 1999, No. 816, §1; Acts 1999, No. 1052, §1, eff. July 1, 1999; Acts 1999, No. 1144, §1, eff. Jan. 1, 2000; Acts 2001, No. 314, §1, eff. June 6, 2001; Acts 2003, No. 896, §1, eff. July 1, 2003; Acts 2006, No. 233, §1; Acts 2006, No. 309, §1; Acts 2008, No. 649, §1; Acts 2009, No. 221, §1, eff. Jan. 1, 2010; Acts 2010, No. 355, §1; Acts 2010, No. 781, §1; Acts 2011, No. 283, §1; Acts 2012, No. 374, §1, eff. May 31, 2012.

SUBMIT TO: **Louisiana State Police**
Bureau of Criminal Identification and Information
P.O. Box 66614 (Mail Slip A-6)
Baton Rouge, LA 70896

THE FEE FOR PROCESSING A STATE BACKGROUND CHECK IS $26. FOR FBI PROCESSING, WHERE AUTHORIZED OR REQUIRED, THERE IS AN ADDITIONAL $16.50 FEE. (Cashier Check, Business Check or Money Order)

****FORMS MUST BE FILLED OUT IN INK AND BE REVIEWED BY SUBMITTING AGENCY/INDIVIDUAL FOR ACCURACY****
******FINGERPRINTS ARE NECESSARY FOR A POSITIVE IDENTIFICATION******

******PLEASE PRINT******

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( )
AGENCY, FACILITY OR INDIVIDUAL PHONE NUMBER

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Request For: (pick one only)

- ☐ ALCOHOL AND BEVERAGE COMMISSION
- ☐ ALCOHOL BEVERAGE OUTLET
- ☐ BOARD OF EXAMINERS OF PSYCHOLOGIST
- ☐ BOARD OF NURSING HOME ADMINISTRATORS
- ☐ CASA
- ☐ COURT ORDER ADOPTION
- ☐ CRIMINAL JUSTICE EMPLOYEE
- ☐ DAYCARE
- ☐ DENTISTRY BOARD
- ☐ DCFS ABUSE/NEGLECT INVESTIGATION
- ☐ DCFS CARETAKER
- ☐ DCFS FOSTER/ADOPTIVE
- ☐ DCFS PERSONNEL
- ☐ EMPLOYERS
- ☐ FIREFIGHTERS
- ☐ FIRE MARSHAL
- ☐ HEALTH CARE PROVIDER (Non Licensed)
- ☐ JUVENILE DETENTION CENTER
- ☐ LA BOARD CHIROPRACTIC EXAMINERS
- ☐ LA PHYSICAL THERAPY BOARD
- ☐ LA STATE BOARD SOCIAL WORK EXAMINERS
- ☐ MANUFACTURED HOUSING
- ☐ MEDICAL EXAMINERS
- ☐ OFFICE OF FINANCIAL INSTITUTIONS
- ☐ OFFICE OF PUBLIC HEALTH
- ☐ OMVC – COMMERCIAL DRIVING EXAM ADMINISTER
- ☐ OMVE – EMPLOYEE ISSUING COMMERCIAL DL
- ☐ OMVI – CONTRACT PROCESS INQUIRY/TRANSACTION
- ☐ OMVT – AUTO TITLE COMPANY / PUBLIC TAG AGENT
- ☐ PHARMACY BOARD
- ☐ POST SECONDARY EDUCATION
- ☐ PRACTICAL NURSING
- ☐ PRIVATE ADOPTION
- ☐ PRIVATE INVESTIGATORS
- ☐ PRIVATE SECURITY
- ☐ PUBLIC HOUSING
- ☐ REGISTERED NURSING
- ☐ RELIGIOUS ACTIVISTS
- ☐ RIGHT TO REVIEW
- ☐ RIVERBOAT PILOTS
- ☐ SCHOOL
- ☐ SUPREME COURT COMMITTEE BAR ADMISSION
- ☐ TAXI DRIVERS
- ☐ TESS WINDOW TINT
- ☐ USED MOTOR VEHICLE COMMISSION
- ☐ VENDOR
- ☐ WHOLESALE DRUG DISTRIBUTORS
- ☐ WORKING WITH CHILDREN

APPLICANTS FULL NAME: _____
****PRINT – USE INK**** LAST FIRST MIDDLE
{INCLUDE MAIDEN NAME & PREVIOUS MARRIED NAMES IF APPLICABLE}

APPLICANTS SIGNATURE: _____

APPLICANTS SOCIAL SECURITY # ___-__-____ DATE OF BIRTH: __/__/__

ID or DRIVERS LICENSE #_____& STATE _____ RACE ____ SEX ____

POSITION OR LICENSE APPLIED FOR _____

AUTHORIZATION TO DISCLOSE CRIMINAL HISTORY RECORDS INFORMATION

By my signature above, I hereby authorize the Louisiana State Police to release all pertinent criminal record information maintained in their files, other states files, or the FBI files (if applicable) which may confirm or deny my eligibility with the facility or agency named above. **DPSSP 6696**
Revised 07/2012