

# POLICY ALERT

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Forethought Consulting, Inc.

## POLICY UPDATE: 2013

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### NO REST FOR THE WEARY

Typically, Forethought Consulting finds springtime a good time to catch up on little policy changes necessitated by changes to Louisiana Board of Elementary and Secondary Education (BESE) Bulletins, and to address policy changes which may have escaped notice from the last legislative session. We so wish that for our sake and yours, we could spare you any more policy revisions while the legislature toils away down the road, but we would be remiss in our chores to do so. Please bear with us as we present the numerous changes discussed below.

### ADDITIONAL STATUTORY CHANGES FROM 2012

In previous years the Baton Rouge Advocate printed all the Acts of the Legislature and included them in issues of the newspaper. This allowed us to review all of the summaries of the Acts in order to identify information which might affect School Boards. Unfortunately, this helpful tool is no longer available and it is almost impossible to timely review every Act passed by the Louisiana Legislature. The following policies reflect changes made during the 2012 Legislative Session which were not caught until after our *Legislative Update Series* of newsletters were complete:

### Policies In This Issue:

- Unexpired Term Fulfillment
- School Board Member
- Continuing Education
- Workers' Compensation
- School Year
- Curriculum
- Summer School
- Kindergarten
- Co-Curricular and Extracurricular Activities
- Adult Education
- Academic Achievement
- Credit Recovery
- Student Attendance
- Unsafe School Choice
- Student Suspension
- Student Health Services
- Administration of Medication
- Student Records

## **UNEXPIRED TERM FULFILLMENT**

Act 138 of the 2012 session revised La. Rev. Stat. Ann. §18:602(B) to increase the time a School Board has to appoint a person to a vacant seat from ten (10) days to twenty (20) days, before the governor may appoint a person to fill the vacancy. The needed change to the policy *Unexpired Term Fulfillment* almost escaped notice, but was caught by an eagle-eyed school administrator. We appreciate the back-up!

## **SCHOOL BOARD MEMBER CONTINUING EDUCATION**

In 2008, legislation was passed requiring elected officials and public servants to receive a minimum of one (1) hour of education and training on the *Louisiana Code of Governmental Ethics*. As reflected in La. Rev. Stat. Ann. §42:1170, the implementation of this requirement was staggered, with the required training beginning for School Board members in 2010, and for all public servants in 2012. We have added this requirement to the policy *School Board Member Continuing Education*. As there is no one policy which can possibly address all the training required for employees, we have not included the requirement for employee training in policy, but know that the administration is aware and has addressed this requirement in employee handbooks.

## **WORKERS' COMPENSATION**

The revisions to the *Workers' Compensation* policy have been made to reflect changes to La. Rev. Stat. Ann. §23:1224 reducing the waiting period for a disabled worker from six (6) weeks to two (2). Other changes have been made to reflect enhancement of policy provisions. One important provision added to most systems' policy is the requirement that all new employees complete a questionnaire about their health and any previous injuries or claims. This is significant because School Boards may be entitled to possible claims reimbursement from the state's *Second Injury Fund* for employees who become injured on the job and the injury is related to a

previous injury, but only if the School Board has *prior knowledge* of the previous injury. Another change reflects the renaming of the state's form used for filing a workers' compensation claim.

## **CHANGES BASED ON REVISIONS TO BULLETIN 741**

Bulletin 741, *Louisiana Handbook for School Administrators*, was given a significant work-over by the State this year, with the changes preliminarily adopted by BESE in January, and intended to take effect with the upcoming school year. Our in-depth review has identified revisions to the policies below.

## **SCHOOL YEAR**

Bulletin 741, *Louisiana Handbook for School Administrators*, has rewritten the language in Section 333 for instructional time required in a school year, specifically referencing the required number of minutes per year, as opposed to the required number of days. However, La. Rev. Stat. Ann. §17:154.1 retains the requirement that a school year shall include 177 days, in a traditional school calendar, in which to provide the required instructional time. The policy *School Year* has been revised to delete language taken out of Bulletin 741, while retaining the statutory requirement of 177 days as one of the standards for calculating instructional time.

## **CURRICULUM**

Section 2315 of Bulletin 741 addresses the adding of electives to programs of studies for middle and secondary schools. Until this year, electives had to be approved by BESE, and end-of-year evaluations had to be submitted for their continuation. BESE has granted School Boards the authority to develop and approve locally-initiated electives, which simply must conform to BESE requirements and statewide content standards. The *Curriculum* policy has been revised to reflect these significant changes.

## **SUMMER SCHOOL**

As BESE has simplified the language in Sections

2501 and 2503 which address summer school in elementary and secondary schools, the language in the policy *Summer School*, has been simplified as well. As does Bulletin 741, the policy now references BESE Bulletin 1566, *Pupil Progression Policies and Procedures*, and references remediation for LEAP, as well as enrichment courses, and courses to enable students who have failed courses to remove deficiencies. Also noteworthy is the removal of the language stating that no fees shall be charged for textbooks used during summer school.

## KINDERGARTEN

Although the language in Section 1111 of Bulletin 741 addressing kindergarten is not new, we decided that it was significant to emphasize that School Boards are required to offer *full-day* kindergarten instruction. This language has been added to the *Kindergarten* policy.

## CO-CURRICULAR and EXTRACURRICULAR ACTIVITIES

Previously, language found in Section 915 of Bulletin 741 stated that School Boards should distinguish between activities which are considered *co-curricular* and those considered *extracurricular*. Although the definitions for co-curricular activities and extracurricular activities were removed from Section 915, they remain in the definitions section of the Bulletin. The policy *Co-curricular and Extracurricular Activities* has been revised to reflect the current definitions, and we have removed the examples from the policy, unless a system has specifically identified activities which fall into each category.

## ADULT EDUCATION

In 2010 oversight of the Adult Education program was transferred from BESE to the Louisiana Community and Technical College System (LCTCS). The *Adult Education* policy reflects this change and language in Section 1103 of Bulletin 741, as well as applicable policies of LCTCS.

## ACADEMIC ACHIEVEMENT

This new policy has been drafted to reflect the new language added in Section 2314 of Bulletin 741, which addresses Carnegie credit and credit flexibility, permitting students to now earn Carnegie credits through either course participation or by demonstrating proficiency. For credit to be received by demonstrating proficiency, the Louisiana Department of Education requires it be provided the name of the examination used if nationally recognized; or a copy of the examination if developed locally and the score required to demonstrate proficiency; or a listing of requirements to demonstrate proficiency through portfolio submissions. Proficiency in a course with a state administered End-of-Course exam must be demonstrated using the End-of-Course exam.

## CREDIT RECOVERY

This policy is a new policy for most school systems. Section 2324 of Bulletin 741 includes language outlining the requirements of credit recovery programs. Credit recovery may only be offered to students who have taken the course previously and failed. The flexibility of the program releases the students from minimum attendance requirements if they met the attendance requirements at the time they took the course previously, or if the student's combined attendance during the previous course *and* the credit recovery course meet the necessary requirements.

## ATTENDANCE

Two changes have been made to the *Attendance* policy to reflect revisions to Section 1103 of Bulletin 741. The first adds *taking a state-approved virtual course* to the definition of attendance. The second change removes the specific number of minutes required to receive Carnegie credit for specific schedules.

## UNSAFE SCHOOL CHOICE

The *Unsafe School Choice Option* was originally a part of the No Child Left Behind (NCLB) initiative of 2002. Although Bulletin 741 included information about unsafe school choice previously, the recent emphasis on school safety and school choice has prompted a drafting of what is a new policy for most school systems, based on changes made to Section 343. The *Unsafe School Choice* policy allows students who are victims of crimes of violence to transfer to another school in the school system which offers instruction at the student's grade level and is not persistently dangerous, if one is available. Students attending persistently dangerous schools, as identified by the state, shall also have the option of transfer to appropriate available schools. School systems must notify parents of students attending a school which has been identified as persistently dangerous and offer the opportunity to transfer, generally within twenty (20) school days of being notified that a school has been identified as persistently dangerous.

## SUSPENSION

Bulletin 741, Section 1301, now includes the stipulation that the number of school days a student may be suspended shall not exceed the number of school days remaining in the school year. The policy *Suspension* has been revised to include this new restriction. Please note that several bills are making their way through the 2013 Louisiana Legislature which may also require additional revisions to the *Suspension* policy.

## STUDENT HEALTH SERVICES

Information has been added to the policy *Student Health Services* from Section 1123 of Bulletin 741 requiring the screening of every student in grades kindergarten through third, at least once, for impediments to a successful school experience. This screening will address dyslexia and related disorders, attention deficit disorder, and other social and environmental factors which put a student "at risk." Although not new, we felt the language needed

inclusion in policy. A few other technical changes have also been made. The majority of the information included in this policy has been removed from Bulletin 741 and now is included in new Bulletin 135, *Health and Safety*.

## ADMINISTRATION OF MEDICATION

This policy has undergone another tweaking to reflect current BESE regulations on diabetes management. These regulations were finalized after the previous version of this policy was published. The information included in this policy has been removed from Bulletin 741 and now is included in new Bulletin 135, *Health and Safety*.

## CLARIFICATION

### STUDENT RECORDS

Unlike the other policies included with this newsletter, the *Student Records* policy reflects neither statutory changes nor Bulletin revisions. The significant change was made to clarify the time frame in which the transfer of records should take place.

**School's OUT  
for summer!**

