



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

*Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.* December 21, 2015

The Honorable John White  
State Superintendent of Education  
Louisiana Department of Education  
PO Box 94064  
Baton Rouge, LA 70804

Dear Superintendent White:

In a letter dated November 10, 2015, I approved Louisiana's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), and placed Louisiana's receipt of ESEA flexibility on high-risk status. This status was imposed because, while Louisiana administered an alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities in school year (SY) 2014–2015, the State acknowledged that this assessment was not fully aligned to the State's college- and career-ready standards and that the assessment it will administer in SY 2015–2016 will also not be fully aligned and therefore not consistent with 34 C.F.R. § 200.6(a)(2). Similarly, the State acknowledged that the English language proficiency (ELP) assessment it administered in 2014–2015, based on its current ELP standards, and the ELP assessment it plans to administer in SY 2015–2016 will not fully meet the NCLB requirements in sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). Finally, while Louisiana submitted a high-quality plan to administer in SY 2015–2016 assessments in reading/language arts and mathematics aligned to the State's college- and career-ready standards, it does not have a high-quality plan in place to administer such assessments beyond SY 2015–2016.

The assessment issues described above placed Louisiana out of compliance with NCLB, and would also place Louisiana out of compliance with the requirements of the newly reauthorized ESEA, the Every Student Succeeds Act (ESSA). Therefore, I have determined, pursuant to the authority in 2 C.F.R. §§ 200.207 and 3474.10, to place Louisiana on high-risk status for Title I, Part A of the ESEA.

To remove the high-risk status for Title I, Part A, Louisiana must meet the same conditions applied to its ESEA flexibility renewal, as described in my letter of November 10, 2015, including conferring with the U. S. Department of Education (ED) on a monthly basis regarding its implementation of ESEA flexibility and progress toward meeting those conditions. Louisiana must provide evidence that it will administer, in SY 2016–2017, an intermediary aligned alternate assessment of its own selection based on alternate academic achievement standards for students with the most significant cognitive disabilities. Louisiana must also provide evidence that it will administer, no later than SY 2016–2017, an ELP assessment of its own selection aligned with the State's ELP standards, consistent with the requirements in NCLB sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). Finally, Louisiana must provide evidence that it will administer, in SY 2016–2017 and each year thereafter, high-quality assessments in reading/language arts and mathematics aligned to the State's college- and career-ready standards.

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In order to resolve these conditions, Louisiana must submit, no later than May 1, 2016, a high-quality plan for each of the following:

1. Administering high-quality reading/language arts and mathematics assessments in SY 2016–2017;
2. Administering an intermediary aligned alternate assessment in SY 2016–2017 based on alternate academic achievement standards for students with the most significant cognitive disabilities; and administering an alternate assessment based on alternate academic achievement standards aligned with Louisiana’s college- and career-ready content standards for students with the most significant cognitive disabilities in SY 2017–2018; and
3. Administering a high-quality ELP assessment aligned to Louisiana’s ELP standards in SY 2016–2017.

Louisiana may request reconsideration of its “high-risk” designation for Title I, Part A by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If Louisiana chooses to request such reconsideration, that request must be submitted via e-mail to me, with a copy to Elizabeth Witt of my staff at: [OSS.Louisiana@ed.gov](mailto:OSS.Louisiana@ed.gov), as well as by U.S. mail or commercial delivery. If I do not receive a request for reconsideration by January 6, Louisiana’s high-risk status for Title I, Part A will be considered final, and will be lifted only upon completing the actions set forth above.

Louisiana continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

If you have any questions regarding this letter, please contact Elizabeth Witt of my staff at: [OSS.Louisiana@ed.gov](mailto:OSS.Louisiana@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of Louisiana’s students.

Sincerely,

/s/

Ann Whalen  
Delegated the authority to perform the functions  
and duties of Assistant Secretary for Elementary  
and Secondary Education

cc: Bridget Devlin, Louisiana Department of Education  
Jessica Baghian, Louisiana Department of Education  
Bernell Cook, Louisiana Department of Education