

Appendix C

April Dunn Act Frequently Asked Questions

This document outlines the most frequently asked questions related to the eligibility and application of the April Dunn Act, in particular for students that meet the graduation eligibility criteria. Each question links to an answer. Simply click on the question, then on the bookmark to access the answer.

Eligibility Questions

[*Do the graduation eligibility criteria require a student to fail the same assessment twice or fail two assessments within the same subject area?*](#)

[*If a student is eligible for the April Dunn Act in the 8th grade, does eligibility follow the student to high school thus making the student automatically eligible upon entering the 9th grade?*](#)

[*Which graduation criteria should be used to determine eligibility for the April Dunn Act for a student that entered high school ineligible but has since taken at least one LEAP 2025 assessment?*](#)

[*Is a student, taking the LEAP Connect Alternate Assessment, required to be eligible for the April Dunn Act in order to pursue a diploma via the LEAP Connect Alternate Graduation Pathway?*](#)

[*Can a student on the Tops University pathway be eligible for and have the April Dunn Act applied to their high school course experiences?*](#)

[*Are there resources available to school systems to assist IEP teams with determining eligibility for students entering or currently in high school?*](#)

[*How do IEP teams handle determining eligibility for students that come from other states without test scores on state assessments?*](#)

Application Questions

[*Is it possible for a student that is eligible for the April Dunn Act to fail a course regardless of achieving the individual performance criteria or IEP goals and objectives established by the IEP team?*](#)

[*Who decides if the student receives credit for a course?*](#)

[*Must a student with a disability meet state-established performance standards to earn credits for purposes of graduation?*](#)

[*When creating individual performance criteria, can IEP teams use scores such as “Unsatisfactory” for the purposes of measuring the achievement of a goal or objective on an IEP?*](#)

[*Can the IEP team change the achievement level definitions of a LEAP 2025 or any state assessment for accountability purposes?*](#)

[Can IEP teams use the WorkKeys Assessments to establish individual performance criteria related to academic courses on a student's IEP?](#)

[When a portfolio is included in IEP goals or objectives as a tool for a student to demonstrate proficiency, who decides what documents or pieces of evidence should be included in the portfolio?](#)

[How does the 30-day timeline outlined in the April Dunn Act impact school systems?](#)

[Can the April Dunn Act be applied to assessments that a student failed prior to being eligible for the Act? In other words, can the April Dunn Act be applied retroactively?](#)

[Is it ok for school systems to make a student eligible for the April Dunn Act but choose NOT to create or apply individual performance criteria until a later time?](#)

[How do LEAs document information related to the April Dunn ACT?](#)

[The April Dunn Act requires IEP teams to create and apply individual performance criteria within the first 30 days of a student entering the selected course. Are these 30 "school" days or 30 "calendar" days?](#)

[What are examples of programming that school systems can create that provide students opportunities to fulfill Requirement 2 of the April Dunn Act?](#)

Eligibility Answers

[Do graduation eligibility criteria require a student to fail the same assessment twice or fail two assessments within the same subject area?](#)

A high school student becomes eligible for the April Dunn Act under the graduation criteria if they fail the same assessment twice.

Example: Trevon is a high school freshman. Upon entering his freshman year, Trevon was not eligible for the April Dunn Act. In the spring of his freshman year, he took the LEAP 2025 English I assessment and scored Unsatisfactory. In the summer following his freshman year, Trevon retook the LEAP 2025 English I assessment and scored Unsatisfactory. He did not meet the state-required benchmarks on the same assessment twice therefore; Trevon is now eligible for the provisions of the April Dunn Act.

[If a student is eligible for the April Dunn Act in the 8th grade, does eligibility follow the student to high school thus making the student automatically eligible upon entering the 9th grade?](#)

No. There are two sets of eligibility criteria in the April Dunn Act: **promotion and graduation**. IEP teams should use the **promotion** eligibility criteria to determine eligibility for students in the 8th grade and lower. For students entering the 9th grade and currently in high school, IEP teams should use the **graduation** eligibility criteria to determine if a student is eligible for the provisions of the April Dunn Act.

Example: Based on her 7th grade statewide assessments, Amanda was eligible as an 8th grader for the April Dunn Act via the **promotion** criteria. Now entering the 9th grade, Amanda's IEP team will

use the **graduation** eligibility criteria to determine if they should apply the April Dunn Act to her high school experiences.

Which graduation criteria should be used to determine eligibility for the April Dunn Act for a student that entered high school ineligible but has since taken at least one LEAP 2025 assessment?

For a student entering high school that has not yet taken a high school statewide assessment, IEP teams should use middle school data to determine eligibility for the April Dunn Act. Once a student takes a high school statewide assessment, the IEP team should rely on data gathered from high school statewide assessments to determine eligibility for the April Dunn Act.

Example: Jalen entered high school ineligible for the April Dunn Act. At the end of his 9th grade year, Jalen scored an Approaching Basic on the LEAP 2025 English I Assessment. At the end of his 10th grade year, Jalen scored an Unsatisfactory twice on the LEAP English II Assessment. Based on the score on the LEAP 2025 English II Assessment, Jalen’s IEP team determined he was eligible for the April Dunn Act.

Is a student, taking the LEAP Connect Alternate Assessment, required to be eligible for the April Dunn Act in order to pursue a diploma via the LEAP Connect Alternate Graduation Pathway?

No, a student taking the LEAP Connect Alternate Assessment does not have to be eligible for the April Dunn Act to pursue a diploma via the LEAP Connect Alternate Graduation Pathway. A student is eligible to pursue a diploma via the LEAP Connect Alternate Graduation Pathway once they are eligible for the LEAP Connect Alternate Assessment. The April Dunn Act plays no role in a student being eligible to pursue a diploma via the LEAP Connect Alternate Graduation Pathway.

Example: Molly is a 10th grade student that became eligible for the LEAP Connect Alternate Assessment in middle school. Upon entering high school, Molly and her IEP team decided she would pursue a diploma via the LEAP Connect Alternate Graduation Pathway. Molly is able to travel this pathway because of being eligible for the LEAP Connect Alternate Assessment, which she will take in the 11th grade. Although the IEP team examined eligibility for the April Dunn Act, the team determined the different components and requirements of the LEAP Connect Alternate Graduation Pathway offers everything Molly needs to pursue a diploma successfully.

Can a student on the Tops University pathway be eligible for and have the April Dunn Act applied to their high school course experiences?

Yes, the IEP team will determine eligibility for the April Dunn Act for any student that is a student with an exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted and talented and who has no other exceptionality. A note of caution: IEP teams must be vigilant to ensure all students are prepared for success when applying the April Dunn Act to their high school experiences, including students on the TOPS University pathway!

Are there resources available to school systems to assist IEP teams with determining April Dunn Act eligibility for students entering or currently in high school?

Yes, resources such as the CSV Data File and LEADS Inquiry (LIQ) can be great assets for determining April Dunn Act eligibility for students entering or currently in high school. The CSV Data File is available to test coordinators at the end of each testing window in DRC INSIGHT and remains available for up to two years. For students in grades 4-8, DRC and

the LDOE provide a remediation flag currently used to identify students who must have an Individual Academic Improvement Plan (IAIP). Since this flag indicates that the student did not meet benchmark requirements, the IAIP is useful in April Dunn eligibility for grades 6-8. LIQ provides historical test data for every student enrolled in a school system. This history includes all scores earned in any school system for all years of testing.

How do IEP teams handle determining eligibility for students that come from other states without test scores on state assessments?

School systems should **not** use test scores from other states to meet Louisiana assessment graduation requirements. Similarly, IEP teams should **not** use test scores from other states to determine eligibility for the April Dunn Act. The student will not be eligible for April Dunn until they fail the same LEAP 2025 subject assessment two times.

Application Answers

Is it possible for a student that is eligible for the April Dunn Act to fail a course regardless of achieving the individual performance criteria or IEP goals and objectives established by the IEP team?

Yes. According to Bulletin 741, a LEAP 2025 assessment score accounts for 5% of the final grade for students with disabilities. Once factored in, if 5% of a LEAP Assessment score brings the student's final grade down to a failing score, the student will fail the course, regardless of the results of the individual performance criteria.

Example: Emma is currently in English II. Before taking the LEAP 2025 English II assessment, she has an average of 68%, which indicates that the student earns a D and is eligible to earn credit for the course. However, Emma earns an achievement level of Unsatisfactory on the LEAP 2025 English II assessment, which lowers her overall average to 66% and a grade of F. Emma is no longer eligible to earn course credit.

Who decides if the student receives credit for a course?

The teacher of record determines if the student will receive credit for the course. When determining if the student will receive course credit, the teacher of record should incorporate progress towards achieving the individual performance criteria as well as other course expectations. Additionally, the score on the LEAP 2025 assessment is used to determine the final grade in the course if the course is LEAP 2025 assessment course. According to Bulletin 741, the LEAP 2025 assessment score accounts for 5% of the final grade for students with disabilities.

Must a student with a disability meet state-established performance standards to earn credits for purposes of graduation?

If eligible under the April Dunn Act, the student's IEP team may set individual performance requirements for a student that are aligned to the breadth and depth, or scope and sequence, of the grade-level standards for the specific courses(s) of enrollment and shall be incorporated, along with other course expectations, by the teacher of record when awarding course credit.

When creating individual performance criteria, can IEP teams use scores such as "Unsatisfactory" for the purposes of measuring the achievement of a goal or objective on an IEP?

Using scores or wording such as "Unsatisfactory" in a goal or objective is an unacceptable practice. Although responsible for creating individual performance criteria, IEP teams should avoid such words or scores. Instead, IEP teams should incorporate the individual needs and strengths of each student while addressing the breadth and depth, or scope and sequence, of the grade-level standards of the selected course(s).

Example: Willie’s IEP team has determined he is eligible for the April Dunn Act. The team created the following individual performance criteria or objective for U.S. History:

Given one or more primary sources related to the U.S. history content across the units of study, the student will answer literal and inferential questions, orally or in writing, to demonstrate an understanding of those sources with 70% accuracy on 8 of 12 trials based on standards-based assessments and/or high-quality instructional materials.

Note: For more examples of individual performance criteria, please see the Appendix A of “The April Dunn Act: An Alternate Means to Graduation for Students with Disabilities”

Can the IEP team change the achievement level definitions of a LEAP 2025 or any state assessment for accountability purposes?

No, the achievement level definitions for all state assessments is approved by the Board of Elementary and Secondary Education (BESE) and cannot be altered. For example, an IEP Team cannot determine that an "Unsatisfactory" achievement level will meet graduation requirements. The IEP Team, in conjunction with the teacher of record, can develop an education plan that includes how the student will demonstrate individual performance requirements necessary to receive course credits, including, but not limited to, applicable LEAP 2025 assessments. The IEP team cannot remove the requirement to include the LEAP 2025 test score as 5% of the final grade for the course.

Can IEP teams use the [WorkKeys Assessments](#) to establish individual performance criteria related to academic courses on a student’s IEP?

No. As stated in the guidance document *The April Dunn Act: An Alternate Means to Graduation for Students with Disabilities*, IEP teams must create individual performance criteria that address the breadth and depth, or scope and sequence, of the standards as well as maintain the rigor and expectations of the course(s) and, if applicable, the accompanying assessment or IBC. The WorkKeys assessments do not address the Louisiana State Standards. Instead, the assessments “...measure foundational skills required for success in the workplace, and help measure the workplace skills that can affect job performance.”

When a portfolio is included in IEP goals or objectives as a tool for a student to demonstrate proficiency, who decides what documents or pieces of evidence should be included in the portfolio?

If individual performance criteria include a portfolio as a means of demonstrating mastery of content standards, the IEP team should clearly establish and define the content of the portfolio. Additionally, the IEP team should identify the person responsible for compiling or maintaining the portfolio.

Example: Malik’s IEP team established individual performance criteria for U.S. History including the following objective:

Given a standards-aligned U.S. history task set and visual and verbal support, the student will score at least 4 of 8 points on the extended-response two-dimensional rubric on at least 2 tasks by the end of the U.S. history course as evidenced in a portfolio.

The IEP team determined and documented that the portfolio will include the scored rubric and the teacher of record will maintain the portfolio for documenting achievement of the objective.

How does the 30-day timeline outlined in the April Dunn Act impact school systems?

The April Dunn Act states that within 30 days of an eligible student entering a course, the IEP team must establish individual performance criteria, or IEP goals and objectives, for the course. Individual performance criteria cannot be established past this deadline. School systems must establish policies and procedures that ensure the provisions of the April Dunn Act are applied in a timely manner, including the 30-day timeline.

Can the April Dunn Act be applied to assessments that a student failed prior to being eligible for the Act? In other words, can the provisions of the April Dunn Act be applied retroactively?

No, the April Dunn Act cannot be applied retroactively. The April Dunn Act cannot be applied to any state assessments that were failed prior to the student becoming eligible for the Act. The April Dunn Act cannot be applied to a course wherein no individual performance criteria were developed or applied within the 30-day timeline.

Example: Luke is currently in the 12th grade. In reviewing Luke's transcript for graduation requirements, the counselor discovers that, while in the 9th grade, he passed English I but did not meet the state-established benchmark on the English I LEAP 2025 Assessment. Furthermore, the counselor determined that, although Luke was eligible for the April Dunn Act in the 9th grade, the IEP team failed to establish individual performance criteria for English I. Unfortunately, the IEP team cannot retroactively apply the April Dunn Act to the English I LEAP 2025 Assessment Luke took in the 9th grade. To avoid these situations, IEP teams must establish and apply individual performance criteria within the first 30 days of students entering a course.

It is imperative school systems establish policies and procedures to address the requirements of the April Dunn Act in a timely and efficient manner. In the scenario above, school administrators should pause and examine how and why Luke's IEP team failed to establish individual performance criteria in accordance with the April Dunn Act. Additionally, administrators must put a system in place to ensure this lapse in processes does not happen again.

As a possible solution to Luke's situation above, the counselor and IEP team recommend entering Luke into a credit recovery class to address the English I LEAP 2025 Assessment. Remember; Luke passed the English I course. He did not pass the English I LEAP 2025 Assessment. Once Luke enters the English I credit recovery course, the IEP team will establish individual performance criteria for the assessment. The IEP team must complete this task within the first 30 days of Luke entering the credit recovery course. Luke will address the depth and breadth of the English I standards. At the end of the credit recovery course, Luke will take the English I LEAP 2025 assessment. If he achieves the goal and objectives as outlined by the IEP team, Luke fulfills the assessment requirement for graduation regardless of whether he meets the state-established benchmark. Additionally, the credit recovery course will appear on his transcript. Unfortunately, this may mean Luke would have to return to school during the summer months. **Because solutions of this nature are dependent on the individual situation, LDOE strongly recommends reaching out to specialeducation@la.gov should this situation arise in your school system. School systems will receive recommendations on a case-by-case basis.**

Is it ok for school systems to make a student eligible for the April Dunn Act but choose NOT to create or apply individual performance criteria until a later time?

Absolutely. The decision to apply individual performance criteria is the responsibility of the IEP team. The team, after reviewing student data, may determine not to create or apply the individual performance criteria to certain courses. Eligibility and application are two different stages of the April Dunn Act. Although a student must be eligible for the provisions to be applied, IEP teams must review all available data to determine, not only which courses to apply the Act to, but also, when to apply the Act.

Example: Claire and her mother are meeting with Claire’s IEP team to determine her eligibility for the April Dunn Act. After reviewing student data from past assessments, the IEP team agrees Claire meets the eligibility criteria. Next, the IEP team reviews additional student data and decides to establish individual performance criteria for Algebra but not for English I. The decision is based on Claire’s grades and scores on past assessments indicating Claire has consistently struggled in math courses across multiple grades. Conversely, Claire met state standards on state assessments and course requirements in English courses.

How do LEAs document information related to the April Dunn ACT?

The IEP team may reflect April Dunn Act decisions in multiple places of the IEP. This can include but is not limited to documenting information in the General Student Information (GSI), Present Levels of Performance, Programs Services, and Comments sections on the IEP. Additionally, the IEP team should document the individual performance criteria, or goal(s) and objectives, that align to the scope and sequence of the standards for specific courses found in the Instructional section of the IEP. Document progress towards achieving these goals and objectives on Progress Reports. Finally, complete a Goal Summary Form is each year.

The April Dunn Act requires IEP teams to create and apply individual performance criteria within the first 30 days of a student entering the selected course. Are these 30 “school” days or 30 “calendar” days?

The April Dunn Act does not stipulate if the 30 days are to be “school” or “calendar” days. School system administrators should make this determination when establishing their guidelines for implementing the April Dunn Act.

What are examples of programming that school systems can create that provide students with opportunities to fulfill Requirement 2 of the April Dunn Act?

Requirement 2 of the April Dunn Act reads as follows:

- In addition to Requirement 1, students pursuing a high school diploma through the April Dunn Act must meet at least one of the following criteria to graduation:
 - Gain employment in an inclusive integrated environment.
 - Demonstrate mastery of specific employability skills.
 - Gain access to services that not provided by the school, employment, or education options.

This requirement is associated with the successful transition of students with disabilities to post-secondary opportunities. Several school systems have created programs that offer students opportunities to achieve one of the three components of Requirement 2. Examples of such programming include:

- job training programs wherein students learn to work and are then placed on paid job sites in the community.
- partnerships with state agencies such as Louisiana Rehabilitation Services (LRS). LRS offers Pre-Employment Transition Services, or Pre-ETS, to all students with disabilities who qualify. Pre-ETS includes job readiness training and paid work-based learning experiences. These services are oftentimes at no cost to school systems.

- extensive Jump Start training opportunities through Career and Technical Education courses such as welding, nursing, or restaurant management. These courses provide students with opportunities to earn an Industry Based Certificate (IBC). With an IBC, students can enter most industries directly after high school. Some systems collaborate with local community colleges to create these opportunities.
- creative dual enrollment programs with post-secondary educational institutions that allow students with disabilities to earn college credits while still in high school.