

2018 Regular Session

HOUSE BILL NO. 766

BY REPRESENTATIVES PIERRE, BAGNERIS, BOUIE, TERRY BROWN, CARMODY,  
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HEALTH/BEHAVIORAL: Provides for access to behavioral health services providers in  
schools

1 AN ACT

2 To enact R.S. 17:173 and 3996(B)(45), relative to behavioral health services for students;  
3 to provide relative to behavioral health services provided to students when requested  
4 by the student's parent or legal guardian; to provide for definitions; to provide for  
5 policies adopted by public school governing authorities; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:173 and 3996(B)(45) are hereby enacted to read as follows:

9 §173. Behavioral health services for students

10 A.(1) A public school governing authority shall not prohibit a behavioral  
11 health provider from providing behavioral health services to a student at school  
12 during school hours if the student's parent or legal guardian requests such services  
13 from the provider.

14 (2) A public school governing authority may adopt a policy to implement the  
15 provisions of this Section and such policy, at a minimum, shall provide that:

16 (a) A behavioral health provider who provides services pursuant to  
17 this Section shall maintain reasonable insurance coverage.

1           (b) A behavioral health provider shall complete a criminal  
2           background check conducted by the Louisiana State Police or the parish  
3           sheriff and shall pay all related costs.

4           (c) Behavioral health services shall be permitted during school hours  
5           if the student's parent or legal guardian presents a behavioral health  
6           evaluation performed by an evaluator chosen by the parent or legal guardian  
7           and the evaluation indicates that the services are necessary during school  
8           hours to assist the student with behavioral health impairments that the  
9           evaluator determines are interfering with the student's ability to thrive in the  
10          educational setting.

11          (d) Behavioral health services may be provided during instructional  
12          time in English, reading, mathematics, and science if the public school  
13          governing authority and the behavioral health provider agree that it is in the  
14          best interest of the student.

15          (e) A public school governing authority shall not enter into a contract  
16          or an exclusive agreement with a behavioral health provider that prohibits the  
17          parent or legal guardian from choosing the behavioral health provider for the  
18          student.

19          (f) The cost of all behavioral health services provided to a student  
20          shall be the sole responsibility of the parent or legal guardian.

21          (g) A public school governing authority may provide for sanctions  
22          against a behavioral health provider for failure to comply with the governing  
23          authority's policy.

24          (3) The failure of a public school governing authority to adopt a  
25          policy shall not be cause to prohibit the provision of behavioral health  
26          services to a student as provided in this Section.

27          B. For purposes of this Section, the following terms shall have the following  
28          meanings:



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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 766 Reengrossed

2018 Regular Session

Pierre

**Abstract:** Provides relative to behavioral health services for students.

Proposed law provides that a public school governing authority shall not prohibit a behavioral health provider from providing behavioral health services to a student at school during school hours if requested by the student's parent or legal guardian. Authorizes such governing authorities to adopt policies to implement proposed law that include the following:

- (1) A behavioral health provider shall maintain reasonable insurance coverage.
- (2) A behavioral health provider shall complete a criminal background check conducted and pay all related costs.
- (3) Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator chosen by the parent or legal guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments that the evaluator determines are interfering with the student's ability to thrive in the educational setting.
- (4) Behavioral health services may be provided during instructional time in English, reading, mathematics, and science if the public school governing authority and the behavioral health provider agree that it is in the best interest of the student.
- (5) A public school governing authority shall not enter into a contract or an exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student.
- (6) The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian.
- (7) A public school governing authority may provide for sanctions against a behavioral health provider for failure to comply with the governing authority's policy.

Provides that the failure of a public school governing authority to adopt a policy shall not prohibit the provision of behavioral health services to a student as provided in proposed law.

Defines "behavioral health provider", "behavioral health services", and "evaluator" for purposes of proposed law.

(Adds R.S. 17:173 and 3996(B)(45))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add that public school governing authorities may adopt policies to implement proposed law; list matters to be included in such policies.
2. Define "evaluator".