

2024 Regular Session

HOUSE BILL NO. 153

BY REPRESENTATIVE BACALA

EDUCATION/SPECIAL: Provides relative to special education

1 AN ACT

2 To amend and reenact R.S. 17:53(A)(3), 1944.1(D), and 1946(B) and to enact R.S.  
3 17:173(D), 1944.1(E), 1946(E), and 1948(G), relative to special education; to require  
4 the inclusion of special education policy in school board member training  
5 requirements; to require the State Board of Elementary and Secondary Education to  
6 adopt rules relative to behavioral health services and provide for a dispute resolution  
7 process regarding such services; to require public school governing authorities to  
8 report annually to their special education advisory councils; to require the state board  
9 to adopt rules relative to such reports; to extend the prescriptive period for special  
10 education due process hearings; to authorize the state board to adopt rules for a  
11 special education early resolution process; to provide that certain written agreements  
12 developed through this process are enforceable in court; to require that cameras be  
13 installed in special education classrooms within a specified time frame upon parental  
14 request; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 17:53(A)(3), 1944.1(D), and 1946(B) are hereby amended and  
17 reenacted and R.S. 17:173(D), 1944.1(E), 1946(E), and 1948(G) are hereby enacted to read  
18 as follows:

1 §53. School board members; training required

2 A.

3 \* \* \*

4 (3) The training and instruction referred to in Paragraphs (1) and (2) of this  
5 Subsection shall be in the school laws of this state, in the laws governing the powers,  
6 duties, and responsibilities of city, parish, and other local public school boards, and  
7 in educational trends, research, and policy. Such training and instruction also shall  
8 include education policy issues, including but not limited to special education, the  
9 minimum foundation program and formula, literacy and numeracy, leadership  
10 development, dropout prevention, career and technical education, redesigning high  
11 schools, early childhood education, school discipline, and harassment, intimidation,  
12 and bullying. Training also shall include instruction relative to the provisions of the  
13 Open Meetings Law, R.S. 42:11 et seq., and the ~~Public Bid Law~~, public bid law,  
14 Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

15 \* \* \*

16 §173. Behavioral health services for students

17 \* \* \*

18 D. The State Board of Elementary and Secondary Education shall adopt rules  
19 for the implementation of this Section and provide for a dispute resolution process  
20 relative to the services provided pursuant to this Section according to guidelines  
21 established by the state Department of Education.

22 \* \* \*

23 §1944.1. Local special education advisory councils; creation; purpose

24 \* \* \*

25 D.(1) Each local public school superintendent and the administrative head  
26 of each charter school shall provide for an annual report to be made to its special  
27 education advisory council, which shall contain at minimum, the following  
28 information as it pertains to his respective system or school, as applicable:

1           (a) Special education financial data, including federal, state, and local  
2           funding.

3           (b) Subgroup academic data on students receiving special education and  
4           related services.

5           (c) Compliance violations relative to special education requirements.

6           (2) The State Board of Elementary and Secondary Education shall adopt  
7           rules for the implementation of this Subsection.

8           ~~D.~~ E. There shall be no liability or cause of action against the public school  
9           district, public charter school or other public school, or any officer or employee  
10          thereof for any action taken by members of the council.

11   \*           \*           \*

12          §1946. Procedural safeguards

13   \*           \*           \*

14                         B.(1) The right of a parent or public agency to initiate a request for a special  
15          education due process hearing shall prescribe within ~~one year~~ two years of the date  
16          the parent or public agency knew or should have known about the alleged action that  
17          forms the basis of the request.

18                         (2) The ~~one-year~~ two-year timeline does not apply to a parent if the parent  
19          was prevented from filing the due process hearing request due to either specific  
20          misrepresentations by the local education agency that it had resolved the problem  
21          forming the basis of the due process hearing request or the local education agency's  
22          withholding of information from the parent that was required to be provided by this  
23          Chapter and the Individuals with Disabilities Education Improvement Act of 2004.

24   \*           \*           \*

25                         E.(1) The State Board of Elementary and Secondary Education may adopt  
26          rules for the implementation of an early resolution process for the purpose of  
27          establishing a nonadversarial means for individuals to resolve disputes with local  
28          education agencies concerning the requirements of this Part and the policies adopted  
29          by the state board for its implementation.

1                   (2) A written agreement developed pursuant to the early resolution process  
2                   is enforceable in any court of competent jurisdiction.

3   \*       \*       \*

4                   §1948.   Cameras in certain classrooms; definitions; required policies;  
5   confidentiality; authorization of funding

6   \*       \*       \*

7                   G. Each public school governing authority shall install cameras within ninety  
8                   days of receipt of a parental request as provided in this Section.

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)]

HB 153 Original   2024 Regular Session   Bacala

**Abstract:** Provides relative to special education.

Present law requires training on certain topics for school board members. Proposed law adds special education to the list.

Present law provides for the provision of behavioral health services for students in schools. Proposed law requires the State Bd. of Elementary and Secondary Education (BESE) to adopt rules for present law implementation and provide for a dispute resolution process according to guidelines established by the state Dept. of Education (DOE).

Present law requires local school superintendents and administrative heads of charter schools to establish special education advisory councils. Proposed law requires the superintendents and school heads to provide for an annual report to the councils on specified special education matters and requires BESE to adopt rules for proposed law implementation.

Present law provides that the right to request a special education due process hearing shall prescribes within one year. Proposed law extends this period from one year to two years.

Proposed law authorizes BESE to adopt rules for the implementation of an early resolution process for individuals to resolve disputes with local education agencies over special education issues. Provides that a written agreement developed pursuant to this process is enforceable in any court of competent jurisdiction.

Present law requires the installation of cameras in special education classrooms upon parental request. Proposed law requires such installation within 90 days of such request.

(Amends R.S. 17:53(A)(3), 1944.1(D), and 1946(B); Adds R.S. 17:173(D), 1944.1(E), 1946(E), and 1948(G))