

# ACT No. 1

Regular Session, 2013

HOUSE BILL NO. 89

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 17:7(5)(b) and 416.21(M)(2), relative to student behavior; to provide relative to the use of seclusion and physical restraint in response to the behavior of students with exceptionalities; to except certain students with exceptionalities from the applicability of certain requirements with respect to the use of seclusion and restraint; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(5)(b) and 416.21(M)(2) are hereby amended and reenacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

\* \* \*

(5)

\* \* \*

(b)(i) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative Procedure Act.

(ii) The rules and guidelines adopted pursuant to Item (i) of this Subparagraph shall not be applicable to a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.

\* \* \*

1 §416.21. Behavior of students with exceptionalities; use of seclusion and physical  
2 restraint

3 \* \* \*

4 M.

5 \* \* \*

6 (2)(a) These guidelines and procedures shall be provided to all school  
7 employees and every parent of a ~~child~~ student with an exceptionality.

8 (b) The provisions of Subparagraph (a) of this Paragraph shall not be  
9 applicable to the parent of a student who has been deemed to be gifted or talented  
10 unless the student has been identified as also having a disability.

11 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_