

## DIGEST

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SB 317 Reengrossed

2016 Regular Session

Donahue

Present law (R.S. 17:252) requires each local public school board to develop a master plan for each school under its jurisdiction for improving student behavior and discipline. Proposed law retains present law.

Present law (R.S. 17:416.21) provides relative to the use of seclusion and physical restraint in response to the behavior of students with exceptionalities. Requires the State Bd. of Elementary and Secondary Education (BESE) to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of certain students with exceptionalities. Defines "physical restraint" as bodily force used to limit a person's movement. Excludes certain discipline practices from the definition of "physical restraint" including holding of a student by a school employee for less than five minutes in an hour or class period to protect the student or others. Proposed law deletes this exclusion and instead excludes the momentary blocking of a student's actions if the student's action is likely to result in harm to the student or any other person.

Present law provides that if a student is involved in five incidents involving seclusion or physical restraint in a school year, the student's Individualized Education Plan team must review and revise the student's intervention plan. Proposed law adds that after five such incidents, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint, the special education director, or his designee, shall review the student's plans every three weeks.

Proposed law requires BESE to adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

Present law requires each public school governing authority to adopt guidelines and procedures regarding the use of seclusion and physical restraint of students with exceptionalities and provide such guidelines to all school employees and parents of students with exceptionalities. Proposed law additionally requires that each school governing authority submit such guidelines and procedures to the state Dept. of Education and post them at each school on each school system's website.

Present law requires a school employee who has placed a student in seclusion or has physically restrained a student to document and report each incident in accordance with the policies adopted by the school's governing authority. Requires that such documentation compiled for students whose challenging behavior continues or escalates shall be reviewed at least once every three weeks. Proposed law deletes the requirement for review of documentation at least once every three weeks. Otherwise retains present law.

Present law requires school governing authorities to report all instances of the use of seclusion or physical restraint to state Dept. of Education and requires the department to maintain a database of all such reported incidents and disaggregate the data by specified data elements. Proposed law additionally requires the department to annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities including the specified data elements and a list of the school systems and charter schools that have complied with the prescribed reporting requirements. Requires the department to post a copy of the report on its website and submit a copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline.

Proposed law creates the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary and Secondary Education (BESE) and

the state Dept. of Education regarding best practices in providing support to public school governing authorities in the adoption and implementation of school student behavior and discipline plans. Provides that the council shall consist of 20 members. Provides that the council is subject to the Open Meetings Law. Requires the council to annually submit a written report to the Senate and House education committees and BESE regarding its findings and recommendations.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M), and (N); adds R.S. 17:253; repeals R.S. 17:416.21(L))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Expands the membership of the advisory committee from 17 to 20 and specifies that the additional members shall be teachers appointed by specific teacher groups.
2. Requires the advisory council to submit a report on its findings and recommendations to the legislative committees on education and BESE.
3. Retains the exemption for students restrained for their own protection or the protection of others, but removes the specific time limit.

##### Senate Floor Amendments to engrossed bill

1. Makes legislative bureau technical changes.

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the reengrossed bill:

1. Relative to exclusions from the definition of "physical restraint": (a) add the momentary blocking of a student's actions if the student's action is likely to result in harm to the student or any other person; (b) delete exclusion for holding of student by a school employee for the protection of the student or others; and (c) retain present law exclusion for minimal physical contact for the purpose of safely escorting a student from one area to another.