

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 317

2016 Regular Session

Donahue

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

STUDENTS. Provides for student behavior and discipline, including the use of seclusion and physical restraint to address the behavior of students with exceptionalities. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds four members to the Advisory Council on Student Behavior and Discipline.
2. Excludes from the definition of "physical restraint": (a) 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) retains the present exclusion that "physical restraint" does not include minimal physical contact for the purpose of safely escorting a student from one area to another.
3. Removes provision that "physical restraint" does not include holding a student by a school employee for less than five minutes in any given hour or class period for protection of the student or others.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 317 Reengrossed

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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.

Present law defines "physical restraint" as bodily force used to limit a person's movement but provides that it does not include holding a student by a school employee for less than five minutes in any given hour or class period for the protection of the student or others. Proposed law deletes this exclusion for holding a student for less than five minutes in any given hour or class period.

Proposed law adds provision that "physical restraint" does not include 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))

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