

RÉSUMÉ DIGEST

ACT 522 (SB 317)

2016 Regular Session

Donahue

Prior law (R.S. 17:252) required each local public school board to develop a master plan for each school under its jurisdiction for improving student behavior and discipline. New law retains prior law.

Prior law (R.S. 17:416.21) provided relative to the use of seclusion and physical restraint in response to the behavior of students with exceptionalities. Required 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.

Prior law defined "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. New law deletes this exclusion for holding a student for less than five minutes in any given hour or class period.

New 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.

Prior law provided 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. New 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.

New 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.

Prior law required 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. New law additionally requires that each school governing authority submit such guidelines and procedures to the state Dept. of Education (DOE) and post them at each school on each school system's website.

Prior law required 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. Required that such documentation compiled for students whose challenging behavior continues or escalates shall be reviewed at least once every three weeks. New law deletes the requirement for review of documentation at least once every three weeks. Otherwise retains prior law.

Prior law required school governing authorities to report all instances of the use of seclusion or physical restraint to DOE and required the department to maintain a database of all such reported incidents and disaggregate the data by specified data elements. New 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.

New law creates the Advisory Council on Student Behavior and Discipline to provide advice and guidance to BESE and the DOE 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 (June 13, 2016).

(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))