

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 766****2018 Regular Session****Pierre**

HEALTH/BEHAVIORAL: Provides for access to behavioral health services providers in schools

Synopsis of Senate Amendments

1. Require instead of authorize public school governing authorities to adopt policies to implement proposed law.
2. Specify the insurance that a provider is required to maintain: general liability insurance coverage in an amount not less than \$1,000,000 per occurrence and \$1,000,000 per aggregate and require a certificate of insurance naming the public school as the certificate holder.
3. Require a behavioral service provider (while on a school campus) to comply with the terms of any Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan, or Individualized Health Plan; the services furnished by a provider shall be incorporated into a written plan applicable to a student.
4. Require the parent or legal guardian of a student receiving behavioral services to execute a "consent to release information form" between the provider and the public school governing authority.
5. Require a public school governing authority to establish reporting requirements for a behavioral health provider related to the student's progress and student and school safety concerns as related to the student's educational program.
6. Provide that a behavioral health evaluation presented by the parent or legal guardian of a student shall not be construed as an independent educational evaluation for purposes of determining eligibility for special education and related services.
7. Remove parish sheriff as a person authorized to provide a criminal background check.
8. Relative to the prohibition on school governing authorities entering into exclusive contracts with behavioral health providers, provide that this shall not impair any extant contract or the renewal thereof.
9. Relative to allowing a public school governing authority to establish sanctions against a behavioral health provider for failure to comply with the governing authority's policy, add that such sanctions may include termination of a provider's authorization to provide services on any school campus.
10. Provide that proposed law shall not be construed to supersede the authority of a student's Individualized Education Program team or Section 504 committee to determine appropriate services for a student pursuant to applicable federal and state law.

Digest of Bill as Finally Passed by Senate

Proposed law provides that a public school governing authority shall not prohibit a behavioral health provider from providing behavioral health services to a student at school

during school hours if requested by the student's parent or legal guardian. Requires such governing authorities to adopt policies to implement proposed law that include the following:

- (1) A behavioral health provider shall maintain general liability insurance coverage in an amount not less than \$1,000,000 per occurrence and \$1,000,000 per aggregate and provide a certificate of insurance naming the public school as the certificate holder.
- (2) A behavioral health provider shall complete a criminal background check conducted by the La. State Police and pay all related costs.
- (3) Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator chosen by the parent or legal guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments that the evaluator determines are interfering with the student's ability to thrive in the educational setting. Provide that a behavioral health evaluation presented by the parent or legal guardian of a student shall not be construed as an independent educational evaluation for purposes of determining if a student meets the criteria established for eligibility for special education and related services.
- (4) Behavioral health services may be provided during instructional time in English, reading, mathematics, and science if the public school governing authority and the behavioral health provider agree that it is in the best interest of the student.
- (5) A public school governing authority shall not enter into a contract or an exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student; this shall not impair any extant contract or the renewal thereof.
- (6) The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian.
- (7) While on a school campus, a behavioral service provider shall comply with, and abide by, the terms of any Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan, or Individualized Health Plan applicable to a student, and the services furnished by a provider shall be incorporated into a written plan applicable to a student.
- (8) The parent or legal guardian of a student receiving services from a behavioral service provider shall be required to execute a "consent to release information form" between the provider and the public school governing authority.
- (9) A public school governing authority shall establish reporting requirements for a behavioral health provider related to the student's progress and student and school safety concerns as related to the student's educational program
- (10) A public school governing authority may establish sanctions against a behavioral health provider for failure to comply with the governing authority's policy which may include termination of a provider's authorization to provide services on any school campus.

Provides that the failure of a public school governing authority to adopt a policy shall not prohibit the provision of behavioral health services to a student as provided in proposed law.

Provides that proposed law shall not be construed to supersede the authority of a student's Individualized Education Program team or Section 504 committee to determine appropriate services for a student pursuant to applicable federal and state law.

Defines "behavioral health provider", "behavioral health services", "evaluator", and "behavioral health evaluation" for purposes of proposed law.

(Adds R.S. 17:173 and 3996(B)(45))