

2024 Regular Session

HOUSE BILL NO. 362

BY REPRESENTATIVES KERNER AND CHASSION

EDUCATION/SPECIAL: Requires schools to provide information regarding tutorship to the parents of certain students at Individualized Education Program (IEP) meetings

1 AN ACT

2 To enact R.S. 17:1944(H), relative to students with exceptionalities; to require local
3 education agencies to adopt policies relative to the provision of information to
4 parents at annual Individualized Education Program meetings; to specify that the
5 information contain information about tutorship and other issues related to certain
6 children's attainment of the age of majority; to require the state Department of
7 Education to develop the information and provide it to local education agencies; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:1944(H) is hereby enacted to read as follows:

11 §1944. Local education agency; responsibilities

12 * * *

13 H.(1) Each local education agency shall adopt a policy requiring each school
14 under its jurisdiction to provide written information regarding legal procedures
15 affecting the transfer of individual rights from parent to child when the child attains
16 the age of majority, including but not limited to supported decision making, power
17 of attorney, continuing or permanent tutorship, and limited and full interdiction, to
18 parents as provided in this Subsection.

19 (2) The document shall inform parents of legal options and how each option
20 relates to such transfer of rights.

1 (3) At the child's first Individualized Education Program meeting of the
 2 school year, the document shall be provided to a parent of each child who is
 3 fourteen, fifteen, sixteen, or seventeen years old who participates in alternate
 4 assessment pursuant to R.S. 17:24.4(F)(3) or an alternate pathway to promotion
 5 pursuant to R.S. 17:24.4(H). Parents shall be provided a form by which to confirm
 6 receipt of the information.

7 (4) The state Department of Education shall develop the information and
 8 provide it to each local education agency for this purpose.

9 (5) For purposes of this Subsection, "parent" means a child's parent, tutor,
 10 or legal guardian.

11 (6) The information provided as required by this Subsection is not intended
 12 to be legal advice, which the document provided shall indicate, and the local
 13 education agency shall have no liability for claims arising from the information
 14 provided.

15 Section 2. If Senate Bill No. 61 of this 2024 Regular Session of the Legislature
 16 becomes law, the Louisiana State Law Institute is hereby authorized and directed to change
 17 "continuing or permanent" as it appears in this Act to "full or limited continuing".

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 362 Reengrossed

2024 Regular Session

Kerner

Abstract: Requires that information about tutorship and other legal procedures pertaining to certain children's attainment of the age of majority be provided at IEP meetings for students who are 14, 15, 16, and 17 years old.

Present law provides the responsibilities of each local education agency (LEA) relative to special education. Proposed law additionally provides:

- (1) Each LEA shall adopt a policy requiring schools to provide written information regarding certain legal procedures affecting the transfer of individual rights from parent to child when the child attains the age of majority to parents of certain students with exceptionalities, including but not limited to supported decision making, power of attorney, continuing or permanent tutorship, and limited and full interdiction.

- (2) The document shall inform parents of legal options and how each option relates to such transfer of rights.
- (3) The document shall be provided at the child's first Individualized Education Program meeting of the school year to a parent of each child who is 14, 15, 16, of 17 years old who participates in alternate assessment or an alternate pathway to promotion pursuant to present law.
- (4) Parents shall be provided a form by which to confirm receipt.
- (5) The state Dept. of Education shall develop the information and provide it to each LEA.
- (6) The information is not intended to be legal advice, which shall be indicated on the document, and an LEA is not liable for claims arising from the provision of the information.

Proposed law provides for the La. State Law Institute to make proposed law terminology relative to tutorship consistent with the terminology in SB61 of this 2024 R.S. if that bill becomes law.

(Adds R.S. 17:1944(H))

Summary of Amendments Adopted by House

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

1. Provide for terminology relative to tutorship to be consistent with the terminology used in SB61.

The House Floor Amendments to the engrossed bill:

1. Expand list of legal procedures to be included in the information.
2. Lower age for first instance of information provision from 15 to 14.
3. Narrow proposed law application to the parents of a subset of students with exceptionalities.
4. Add a limitation of liability.