
DIGEST

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HB 872 Engrossed

2024 Regular Session

Miller

Abstract: Creates an appeals process for parents of public school students with recommended behavioral health treatment plans.

Present law prohibits a public school governing authority from denying student access to behavioral health service providers at school during school hours if requested by the student's parent or legal guardian. Requires such governing authorities to adopt and make available to the public policies that include requirements for providers relative to liability insurance coverage; criminal background checks; compliance with students' specific education, behavior, or health plans; and reporting students' progress. Further requires that such policies include:

- (1) Behavioral health services shall be provided during school hours if the student's behavioral health evaluation indicates that the services are necessary. Proposed law specifies that such services must be medically necessary and authorized by an independent third party payor including but not limited to Medicaid or commercial insurance.
- (2) Such services may be provided during instructional time in English, reading, mathematics, and science if the governing authority and the provider agree that it is in the best interest of the student. Proposed law instead authorizes services to be provided during any part of the school day, including instructional time.

Proposed law exempts providers who are licensed, certified, or registered by the La. Behavior Analyst Bd. who provide documentation of having passed a criminal background check with the La. State Police within the previous year from passing a subsequent check.

Proposed law prohibits a public school governing authority from prohibiting a behavioral health evaluation, assessment, or authorized treatment plan from being performed on school property.

Proposed law creates a procedure for grievances and appeals in instances when a public school governing authority disagrees with a behavioral health provider's evaluation, assessment, or proposed treatment plan as follows:

- (1) Within 30 days of the issuance of a proposed plan, the public school governing authority may provide a written report explaining their opposition. The report may include an equal alternative plan.
- (2) In response, the behavioral health provider may choose to amend his proposed plan. If it is

amended, the student's parent may choose which plan to approve.

- (3) After the parent's approval, the public school governing authority is prohibited from hindering implementation of the approved plan. If a governing authority violates this prohibition, the parent may file a written complaint with the state Dept. of Education (DOE).
- (4) Within 14 days of receipt of a complaint, DOE is required to notify the superintendent of the school district (or person in an equivalent position if the student is enrolled at a charter school).
- (5) Within 30 days of receipt of notice from DOE, the public school governing authority shall provide evidence to DOE that they are or will be providing services to the student.
- (6) Within 14 days of the public school governing authority's response, DOE is required to decide if the evidence provided is sufficient. If it is deemed insufficient, the public school governing authority has 30 days to implement the proposed plan for the student, if it is not already providing services to the student.

Proposed law requires services provided to be delivered by providers licensed, certified, or registered by the La. Behavior Analyst Bd.

Proposed law requires the State Bd. of Elementary and Secondary Education to promulgate rules as necessary to implement the provisions of present law and proposed law.

(Amends R.S. 17:173(A); Adds R.S. 17:173(B)(7) and (8))