

SENATE BILL NO. 253

BY SENATOR FOIL

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AN ACT

To enact R.S. 17:101(D) and 1946.1, relative to parental consent; to provide relative to an individualized education program; to provide for notice to a parent or legal guardian; to provide for remote registration and preliminary enrollment of children of military personnel under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:101(D) and 1946.1 are hereby enacted to read as follows:

§101. Children of military families; registration prior to residency; preliminary enrollment

* * *

D. None of the following shall preclude a child from registration prior to residency and preliminary enrollment as provided in this Section:

(1) Having an individualized education program or family service plan under the Individuals with Disabilities Education Act, 29 U.S.C. 1400 et seq.

(2) Receiving or qualifying for special education courses or services.

(3) Having an exceptionality as defined in R.S. 17:1942.

(4) Receiving or qualifying for accommodations or services under Section 504 of the 1973 Rehabilitation Act, 29 U.S.C.

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§1946.1. Parental consent; notice

A. Notwithstanding any provision of law to the contrary, a local education agency shall provide ten days notice to a student's parent or legal

1 guardian before it can initially provide a student with special education courses
2 or related services in any setting.

3 B. If the individualized education program placement requires a
4 reduction or removal of any special education course or related service, the
5 local education agency shall provide ten days notice to the student's parent or
6 legal guardian before the change can be implemented. In the event the student's
7 individualized education program is changed for any reason, the local education
8 agency shall provide ten days notice to the parent or legal guardian before the
9 change can be implemented.

10 C. Notice as required by this Section shall be given through one of the
11 following forms of communication:

12 (1) By certified mail with return receipt requested.

13 (2) By electronic mail, if the parent or legal guardian provides an
14 electronic mail address.

15 (3) By text message, if the parent or legal guardian provides a mobile
16 phone number for the purpose of receiving text messages.

17 (4) Through an online portal or other application that provides for
18 documentation of the date of the delivery of the notice.

19 D. After receiving notice, a parent or legal guardian may have an
20 individualized education program team meeting postponed to a reasonable
21 alternative date or time by contacting the local education agency prior to a
22 meeting that has been properly noticed.

23 E. Nothing in this Section shall prevent the local education agency or the
24 parent or legal guardian from seeking a resolution of a dispute related to an
25 individualized education program through a hearing process as promulgated
26 by the State Board of Elementary and Secondary Education in accordance with
27 the Administrative Procedure Act.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____