

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 352

2026 Regular Session

Mack

STUDENTS: Provides relative to behavioral health services for public school students

Synopsis of Senate Amendments

1. Authorizes a contract or agreement between a public school governing authority and a behavioral health provider to authorize a school principal to dismiss a behavioral health provider staff member from a school campus.
2. Prohibits a school-based service delivery meeting from replacing a student's Individualized Education Plan.
3. Provides that, in the event of a conflict between a student's Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Intervention Plan, or Individualized Health Plan and a behavioral health provider's treatment plan, the applicable student plan controls with respect to the educational services and supports addressed by that plan.
4. Provides that medically necessary behavioral health services are not required to be included in any of a student's plans to be provided on school property and prohibits denial of delivery of services because they are not included in a particular plan.

Digest of Bill as Finally Passed by Senate

Present law prohibits a public school governing authority from denying a student access to medically necessary behavioral health services at school during school hours if requested by the student's parent or legal guardian. Proposed law retains present law.

Present law requires such governing authorities to adopt and make available to the public policies for the implementation of present law.

Proposed law retains present law and further requires each public school governing authority to post its policy on its website and include it in its student handbook.

Present law requires that such policies include that behavioral health services are to be permitted during school hours if the student's guardian presents a behavioral health evaluation performed by an evaluator as well as an assessment and authorized treatment plan performed by a behavioral health provider chosen by the guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments associated with a medical diagnosis that the evaluator determines are interfering with the student's ability to thrive in the educational setting.

Proposed law retains present law.

Proposed law prohibits, if supervision of the behavioral health provider is conducted virtually, any other student except the student receiving behavioral health services from being recorded.

Present law requires each public school governing authority policy to authorize behavioral health services to be provided during any part of the school day, including any and all instructional time in English, reading, mathematics, and science.

Proposed law requires, instead of authorizes, such services to be provided at such times and

further specifies that they be provided in a physical classroom, they be medically necessary, and adds an exception that services are required to be provided outside a physical classroom if it is medically necessary.

Proposed law authorizes a contract or agreement between a public school governing authority and a behavioral health provider to specify whether a school principal has the authority to dismiss a behavioral health provider staff member from campus.

Proposed law requires each public school governing authority policy to provide for a school-based service delivery review meeting, defined as a meeting held, either in person or virtually, for the purpose of reviewing the delivery of behavioral health services in the school setting, including the behavioral health provider's role, applicable student plans, classroom expectations, communication, scheduling, and other procedures necessary to support uninterrupted instruction and appropriate coordination with school personnel and the behavioral health provider.

Proposed law prohibits such meeting from replacing any other meeting required by a student's Individualized Education Plan (IEP).

Proposed law prohibits a behavioral health provider from implementing or directing medically necessary services that knowingly interfere, impede, or conflict with services a school is legally required to provide under a student's IEP, Individualized Accommodation Plan, Section 504 Plan, Behavior Intervention Plan, or Individualized Health Plan, unless there is collaboration and agreement between service providers.

Present law requires the State Bd. of Elementary and Secondary Education to adopt rules for the implementation of present law and provide for a dispute resolution process relative to the services provided pursuant to present law according to guidelines established by the state Dept. of Education. Proposed law retains present law. Proposed law requires the parent or legal guardian to be the only person authorized to file a dispute resolution claim in relation to a student. Further provides that, in the event of a conflict between a student's IEP, Individualized Accommodation Plan, Section 504 Plan, Behavior Intervention Plan, or Individualized Health Plan and a behavioral health provider's treatment plan, the applicable student plan is required to control with respect to the educational services and supports addressed by that plan.

Proposed law further provides that medically necessary behavioral health services are not required to be included in any student school plan in order for such services to be provided on school property and may not be denied solely because they are not included in a particular plan.

(Amends R.S. 17:173(A)(2)(intro. para.), (c), (e), and (h) and (D); Adds R.S. 17:173(A)(2)(l) and (B)(9))