

Regular Session, 2013

HOUSE BILL NO. 89

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides relative to the use of seclusion and physical restraint to address the behavior of certain students

1 AN ACT

2 To amend and reenact R.S. 17:7(5)(b) and 416.21(M)(2), relative to student behavior; to  
3 provide relative to the use of seclusion and physical restraint in response to the  
4 behavior of students with exceptionalities; to except certain students with  
5 exceptionalities from the applicability of certain requirements with respect to the use  
6 of seclusion and restraint; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:7(5)(b) and 416.21(M)(2) are hereby amended and reenacted to  
9 read as follows:

10 §7. Duties, functions, and responsibilities of board

11 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and  
12 responsibilities vested by any other applicable laws, the board shall:

13 \* \* \*

14 (5)

15 \* \* \*

16 (b)(i) Prepare and adopt rules and guidelines for the appropriate use of  
17 seclusion, physical restraint, and mechanical restraint of students with  
18 exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative  
19 Procedure Act.



Present law further requires the governing authority of each public elementary and secondary school:

- (1) To adopt written guidelines and procedures regarding the use of seclusion and physical restraint.
- (2) To provide these written guidelines and procedures to all school employees and to every parent of a child with an exceptionality.

Proposed law provides that present law, relative both to BESE's preparation and adoption of such rules and guidelines and public school governing authorities' provision of such guidelines and procedures to parents, shall not be applicable to a student who has been deemed to be gifted or talented unless he has been identified as also having a disability.

(Amends R.S. 17:7(5)(b) and 416.21(M)(2))