

2016 Regular Session

SENATE BILL NO. 317

BY SENATOR DONAHUE

STUDENTS. Provides relative to student behavior and discipline, including the use of seclusion and physical restraint to address the behavior of students with exceptionalities. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N), to enact  
3 R.S. 17:253, and to repeal R.S. 17:416.21(L), relative to student behavior and  
4 discipline; to provide with respect to school master plans for student behavior and  
5 discipline; to create and provide with respect to the Advisory Council on Student  
6 Behavior and Discipline and its membership, duties, and responsibilities; to provide  
7 with respect to the appropriate use of seclusion and physical restraint to address the  
8 behavior of students with exceptionalities; to provide for the collection and reporting  
9 of certain data regarding incidents of seclusion and physical restraint; and to provide  
10 for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N) are hereby  
13 amended and reenacted and R.S. 17:253 is hereby enacted to read as follows:

14 §252. School master plans for supporting student behavior and discipline

15 A.

16 \* \* \*

17 (2)

1 \* \* \*

2 (h) Improving methods and procedures for the handling of school  
3 suspensions, ~~and the referral of students to alternative schools,~~ **and the use of**  
4 **seclusion and physical restraint in addressing challenging student behavior.**

5 \* \* \*

6 **§253. Advisory Council on Student Behavior and Discipline**

7 **A. There is hereby established the Advisory Council on Student**  
8 **Behavior and Discipline to provide advice and guidance to the State Board of**  
9 **Elementary and Secondary Education and the state Department of Education**  
10 **regarding best practices in providing support to public school governing**  
11 **authorities in the adoption and implementation of each school's master plan for**  
12 **student behavior and discipline as provided in R.S. 17:252.**

13 **B. The advisory council shall be composed of seventeen members as**  
14 **follows:**

15 **(1) The state superintendent of education, or his designee.**

16 **(2) Three members shall be appointed by the Louisiana Association of**  
17 **Principals. The association shall appoint one principal or assistant principal**  
18 **from the elementary, middle school, and high school levels.**

19 **(3) One member shall be a local school superintendent, appointed by the**  
20 **Louisiana Association of School Superintendents.**

21 **(4) One member shall be a child welfare and attendance officer,**  
22 **appointed by the Louisiana Association of School Superintendents.**

23 **(5) One member shall be a safe and drug free schools coordinator,**  
24 **appointed by the Louisiana Association of School Superintendents.**

25 **(6) One member shall be a director of special education, appointed by**  
26 **the Louisiana Association of Special Education Administrators.**

27 **(7) One member shall be a pupil appraisal coordinator, appointed by the**  
28 **Louisiana Association of School Superintendents.**

29 **(8) Three members shall be the parent of a child who presents**

1 challenging behavior, two of whom shall be the parent of a child with  
2 exceptionalities, other than gifted and talented, all of whom shall be appointed  
3 by the Louisiana Developmental Disabilities Council.

4 (9) One member appointed by the Louisiana Developmental Disabilities  
5 Council.

6 (10) One member appointed by the Louisiana Advocacy Center.

7 (11) One member appointed by the Louisiana School Boards  
8 Association.

9 (12) One member appointed by the Louisiana Council of Juvenile and  
10 Family Court Judges.

11 (13) The secretary of the Department of Health and Hospitals, or his  
12 designee.

13 C. The state superintendent of education shall convene the first meeting  
14 of the advisory council not later than September 1, 2016, and the Department  
15 of Education shall provide staff support to the council.

16 D. The council shall serve in an advisory capacity and shall comply with  
17 the Open Meetings Law.

18 E. The chair shall be elected by the members of the council.

19 F. The council shall meet at least three times annually. Meetings shall  
20 be called by the chair, who shall set the agenda.

21 \* \* \*

22 §416.21. Behavior of students with exceptionalities; use of seclusion and physical  
23 restraint

24 A. As used in this Section:

25 \* \* \*

26 (3)

27 \* \* \*

28 (b) Physical restraint does not include:

29 (i) Consensual, solicited, or unintentional contact.



1 (b) The provisions of Subparagraph (a) of this Paragraph shall not be  
2 applicable to the parent of a student who has been deemed to be gifted or talented  
3 unless the student has been identified as also having a disability.

4 N.(1) **The State Board of Elementary and Secondary Education shall**  
5 **adopt rules establishing guidelines and procedures for public school systems to**  
6 **follow regarding the reporting of incidents of seclusion and physical restraint,**  
7 **including specific data elements to be included in such reporting.**

8 (2) The governing authority of each public elementary and secondary school,  
9 **in accordance with state board policy,** shall report all instances where seclusion  
10 or physical restraint is used to address student behavior to the Department of  
11 Education.

12 (2) ~~(3)(a)~~ The Department of Education shall maintain a database of all  
13 reported incidents of seclusion and physical restraint of students with  
14 exceptionalities and shall disaggregate the data for analysis by school; student age,  
15 race, ethnicity, and gender; student disability, where applicable; and any involved  
16 school employees.

17 **(b)(i) Based upon the data collected, the department shall annually**  
18 **compile a comprehensive report regarding the use of seclusion and physical**  
19 **restraint of students with exceptionalities, which shall at a minimum include the**  
20 **following:**

21 **(aa) The number of incidents of physical restraint disaggregated by**  
22 **school system; student age, race, ethnicity, gender, and student disability**  
23 **classification.**

24 **(bb) The number of incidents of seclusion disaggregated by school**  
25 **system; student age, race, ethnicity, gender, and student disability classification.**

26 **(cc) A list of the school systems and charter schools that have complied**  
27 **with the reporting requirements pursuant to Paragraph (2) of this Subsection.**

28 **(ii) The department shall post the annual report on its website and**  
29 **submit a written copy to the Senate and House committees on education.**

1 Section 2. R.S. 17:416.21(L) is hereby repealed.

2 Section 3. This Act shall become effective upon signature by the governor or, if not  
3 signed by the governor, upon expiration of the time for bills to become law without signature  
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
6 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jeanne C. Johnston.

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DIGEST

SB 317 Original

2016 Regular Session

Donahue

Present law (R.S. 17:252) requires each local public school board to develop a master plan for each school under its jurisdiction for improving student behavior and discipline.

Proposed law retains present law.

Proposed law creates the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary and Secondary Education (BESE) and the state Department of Education (DOE) regarding best practices in providing support to public school governing authorities in the adoption and implementation of school student behavior and discipline plans. Provides that the council be composed of 17 members as follows:

- (1) The state superintendent of education, or his designee.
- (2) Three members shall be appointed by the Louisiana Association of Principals. The association shall appoint one principal or assistant principal from the elementary, middle school and high school levels.
- (3) One member shall be a local school superintendent, appointed by the Louisiana Association of School Superintendents.
- (4) One member shall be a child welfare and attendance officer, appointed by the Louisiana Association of School Superintendents.
- (5) One member shall be a safe and drug free schools coordinator, appointed by the Louisiana Association of School Superintendents.
- (6) One member shall be a director of special education, appointed by the Louisiana Association of Special Education Administrators.
- (7) One member shall be a pupil appraisal coordinator, appointed by the Louisiana Association of School Superintendents.
- (8) Three members shall be the parent of a child who presents challenging behavior, two of whom shall be the parent of a child with exceptionalities, other than gifted and talented, all of whom shall be appointed by the Louisiana Developmental Disabilities Council.
- (9) One member appointed by the Louisiana Developmental Disabilities Council.

- (10) One member appointed by the Louisiana Advocacy Center.
- (11) One member appointed by the Louisiana School Boards Association.
- (12) One member appointed by the Louisiana Council of Juvenile and Family Court Judges.
- (13) The secretary of the Department of Health and Hospitals, or his designee.

Further provides that:

- (1) The state superintendent of education shall convene the first meeting of the advisory council not later than September 1, 2016, and the Department of Education shall provide staff support to the council.
- (2) The council shall serve in an advisory capacity and shall comply with the Open Meetings Law.
- (3) The chair shall be elected by the members of the council.
- (4) The council shall meet at least three times annually. Meetings shall be called by the chair, who shall set the agenda.

Present law (R.S. 17:416.21) exempts certain discipline practices from the definition of "physical restraint".

Proposed law deletes the following from those exclusions:

- (1) Holding of a student by a school employee for less than five minutes in an hour or class period.
- (2) Minimal physical contact for the purpose of safely escorting a student from one area to another.

Present law provides that if a student is involved in five incidents involving seclusion or physical restraint in a school year, the student's Individualized Education Plan team must review and revise the student's intervention plan.

Proposed law retains present law and additionally provides that after five such incidents, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint, the special education director, or his designee, shall review the student's plans every three weeks.

Present law requires each public school governing authority to adopt written guidelines and procedures regarding the use of seclusion and physical restraint of students with exceptionalities and provide such to all school employees and parents of students with an exceptionality.

Proposed law retains present law and additionally requires that the school governing authority submit such guidelines and procedures to the state Dept. of Education.

Proposed law requires BESE to adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

Present law requires school governing authorities to report all instances of the use of seclusion or physical restraint to DOE and requires the department to maintain a database of all such reported incidents and disaggregate the data by specified data elements.

Proposed law retains present law and additionally requires DOE to annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities including the specified data elements and a list of the school systems and charter schools that have complied with the prescribed reporting requirements. Requires DOE to post a copy of the report on its website and submit a written copy to the Senate and House committees on education.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N); adds R.S. 17:253; repeals R.S. 17:416.21(L))