

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.

1 (ii) The rules and guidelines adopted pursuant to Item (i) of this
2 Subparagraph shall not be applicable to a student who has been deemed to be gifted
3 or talented unless the student has been identified as also having a disability.

4 * * *

5 §416.21. Behavior of students with exceptionalities; use of seclusion and physical
6 restraint

7 * * *

8 M.

9 * * *

10 (2)(a) These guidelines and procedures shall be provided to all school
11 employees and every parent of a ~~child~~ student with an exceptionality.

12 (b) The provisions of Subparagraph (a) of this Paragraph shall not be
13 applicable to the parent of a child who has been deemed to be gifted or talented
14 unless the child has been identified as also having a disability.

15 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hoffmann

HB No. 89

Abstract: Excepts a student deemed to be gifted or talented from certain provisions relative to the use of seclusion and restraint unless he has been dually identified as also having a disability.

Present law requires the State Board of Elementary and Secondary Education (BESE) to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in present law (R.S. 17:1942):

A "student with an exceptionality", including a student with a disability, is any student who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency, a student experiencing developmental delay ages three through eight.

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))