

SENATE BILL NO. 317

BY SENATOR DONAHUE

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

A.

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(2)

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

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§253. Advisory Council on Student Behavior and Discipline

A. There is hereby established the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary

1 and Secondary Education and the state Department of Education regarding
2 best practices in providing support to public school governing authorities in the
3 adoption and implementation of each school's master plan for student behavior
4 and discipline as provided in R.S. 17:252.

5 B. The advisory council shall be composed of twenty-four members as
6 follows:

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

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

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

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

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

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

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

21 (8) Three members shall be the parent of a child who presents
22 challenging behavior, two of whom shall be the parent of a child with
23 exceptionalities, other than gifted and talented, all of whom shall be appointed
24 by the Louisiana Developmental Disabilities Council.

25 (9) One member appointed by the Louisiana Developmental Disabilities
26 Council.

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

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

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

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

3 (14) One member shall be a classroom teacher appointed by the
4 Louisiana Federation of Teachers.

5 (15) One member shall be a classroom teacher appointed by the
6 Louisiana Association of Educators.

7 (16) One member shall be a classroom teacher appointed by the
8 Associated Professional Educators of Louisiana.

9 (17) One member appointed by the Southern Poverty Law Center.

10 (18) One member appointed by the Louisiana Association of Public
11 Charter Schools.

12 (19) One member appointed by the Louisiana Center for Children's
13 Rights.

14 (20) One member appointed by the Louisiana Parent Teacher
15 Association.

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

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

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

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

24 G. The advisory council shall annually submit a written report to the
25 Senate Committee on Education, the House Committee on Education, and the
26 State Board of Elementary and Secondary Education regarding its findings
27 and recommendations with respect to the implementation of school master
28 plans for improving student behavior and discipline as provided in R.S. 17:252.

29 * * *

30 §416.21. Behavior of students with exceptionalities; use of seclusion and physical

1 restraint

2 A. As used in this Section:

3 * * *

4 (3)

5 * * *

6 (b) Physical restraint does not include:

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

8 (ii) ~~Holding of a student, by a school employee, for less than five minutes in~~
9 ~~any given hour or class period for the protection of the student or others~~ **Momentary**
10 **blocking of a student's action if the student's action is likely to result in harm**
11 **to the student or any other person.**

12 (iii) Holding of a student, by one school employee, for the purpose of
13 calming or comforting the student, provided the student's freedom of movement or
14 normal access to his or her body is not restricted.

15 (iv) Minimal physical contact for the purpose of safely escorting a student
16 from one area to another.

17 (v) Minimal physical contact for the purpose of assisting the student in
18 completing a task or response.

19 * * *

20 K. If a student is involved in five incidents in a single school year involving
21 the use of physical restraint or seclusion, the student's Individualized Education Plan
22 team shall review and revise the student's behavior intervention plan to include any
23 appropriate and necessary behavioral supports. **Thereafter, if the student's**
24 **challenging behavior continues or escalates requiring repeated use of seclusion**
25 **or physical restraint practices, the special education director or his designee**
26 **shall review the student's plans at least once every three weeks.**

27 * * *

28 M.(1) The governing authority of each public elementary and secondary
29 school shall adopt written guidelines and procedures regarding:

30 (a) Reporting requirements and follow-up procedures.

1 (b) Notification requirements for school officials and a student's parent or
2 other legal guardian.

3 (c) An explanation of the methods of physical restraint and the school
4 employee training requirements relative to the use of restraint.

5 (2)(a) These guidelines and procedures shall be provided to **the state**
6 **Department of Education**, all school employees and every parent of a student with
7 an exceptionality. **The guidelines and procedures shall also be posted at each**
8 **school and on each school system's website.**

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

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

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

20 (2)(3)(a) The **state** Department of Education shall maintain a database of all
21 reported incidents of seclusion and physical restraint of students with
22 exceptionalities and shall disaggregate the data for analysis by school; student age,
23 race, ethnicity, and gender; student disability, where applicable; and any involved
24 school employees.

25 **(b)(i) Based upon the data collected, the state Department of Education**
26 **shall annually compile a comprehensive report regarding the use of seclusion**
27 **and physical restraint of students with exceptionalities, which shall at a**
28 **minimum include the following:**

29 **(aa) The number of incidents of physical restraint disaggregated by**
30 **school system; student age, race, ethnicity, gender, and student disability**

1 classification.

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

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

6 (ii) The state Department of Education shall post the annual report on
7 its website and submit a written copy to the Senate and House committees on
8 education and the Advisory Council on Student Behavior and Discipline
9 established pursuant to R.S. 17:253.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____