

2026 Regular Session

HOUSE BILL NO. 352

BY REPRESENTATIVE MACK

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

1 AN ACT

2 To amend and reenact R.S. 17:173(A)(2)(introductory paragraph), (c), (e), and (h), (B)(6)
3 through (8), and (D) and to enact R.S. 17:173(B)(9) and (10), relative to behavioral
4 health services for public school students; to provide for related policies adopted by
5 public school governing authorities; to provide for definitions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:173(A)(2)(introductory paragraph), (c), (e), and (h), (B)(6)
9 through (8), and (D) are hereby amended and reenacted and R.S. 17:173(B)(9) and (10) are
10 hereby enacted to read as follows:

11 §173. Behavioral health services for students

12 A.

13 * * *

14 (2) Each public school governing authority shall adopt ~~and make available~~
15 ~~to the public~~ a policy to implement the provisions of this Section. The authority
16 shall make such policy available to the public by, at a minimum, posting it on its
17 website and shall include it in its student handbook. The policy shall not create
18 onerous requirements for behavioral health providers resulting in a delay or barrier

1 to the provision of medically necessary services. The policy, at a minimum, shall
2 provide that:

3 * * *

4 (c) Behavioral health services shall be permitted during school hours if the
5 student's parent or legal guardian presents a behavioral health evaluation performed
6 by an evaluator as well as an assessment and authorized treatment plan performed
7 by a behavioral health provider chosen by the parent or legal guardian and the
8 evaluation indicates that the services are necessary during school hours to assist the
9 student with behavioral health impairments associated with a medical diagnosis that
10 the evaluator determines are interfering with the student's ability to thrive in the
11 educational setting. Board certified behavior analyst supervision of a behavior
12 technician working with a student is required to be in-person and shall not be
13 conducted virtually.

14 * * *

15 (e) A public school governing authority shall not prohibit a behavioral health
16 evaluation, assessment, or authorized treatment plan from being performed on school
17 property in order to establish medical necessity or deliver medically necessary
18 services. Behavioral health services ~~may~~ shall be provided in a physical classroom
19 during any part of the school day, including any and all instructional time in English,
20 reading, mathematics, and science. The school administrator and service provider
21 shall work collaboratively to create a consistent schedule that meets the medical
22 needs of the student and complies with the provider's ethical code of conduct. In
23 developing the student's plan, consideration shall include impacts on a school's
24 operations and a student's testing schedule. If the parties cannot agree, then the
25 parties shall engage in a dispute resolution process set forth by the state Department
26 of Education in accordance with Subsection D of this Section.

27 * * *

28 (h) While on a school campus, a behavioral ~~service~~ health provider,
29 including a behavior technician, shall comply with, and abide by, the terms of any

1 Individualized Education Plan, Individualized Accommodation Plan, Section 504
2 Plan, Behavior Management Plan, or Individualized Health Plan applicable to a
3 student who is a patient of the provider. The services furnished by a provider shall
4 be incorporated into a written treatment plan applicable to a student.

5 * * *

6 B. For purposes of this Section, the following terms shall have the following
7 meanings:

8 * * *

9 (6) "Board certified behavior analyst" means a graduate-level, independent
10 practitioner certified in applied behavior analysis.

11 (7) "Behavior technician" means a paraprofessional certified in behavior
12 analysis.

13 (8) "Evaluator" shall mean a licensed psychiatrist, psychologist, medical
14 psychologist, licensed specialist in school psychology, professional counselor,
15 marriage and family therapist, clinical social worker, or applied behavior analysis
16 provider who is certified by the respective board of examiners in Louisiana to
17 provide necessary evaluations and who is not an employee of the public school
18 governing authority or the state Department of Education.

19 ~~(7)~~ (9) "Independent third-party payor" means an individual who serves as
20 a case reviewer for Medicaid or commercial insurers.

21 ~~(8)~~ (10) "Medically necessary services" means services that meet the
22 following requirements:

23 (a) Provided for the diagnosis, treatment, cure, or relief of a health condition,
24 illness, injury, or disease.

25 (b) Except for clinical trials that are described within the policy, not for
26 experimental, investigational, or cosmetic purposes.

27 (c) Within the generally accepted standards of medical care in the
28 community.

1 (d) Not solely for the convenience of the insured, the insured's family, or the
2 provider.

3 * * *

4 D. The State Board of Elementary and Secondary Education shall adopt rules
5 for the implementation of this Section and provide for a dispute resolution process
6 relative to the services provided pursuant to this Section according to guidelines
7 established by the state Department of Education. A parent or legal guardian shall
8 be the sole person permitted to file a dispute resolution claim in relation to a student,
9 which shall be filed only after an alleged incident has occurred.

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)]

HB 352 Original

2026 Regular Session

Mack

Abstract: Provides relative to behavioral health services for public school students.

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 shall 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 requires a board certified behavior analyst to supervise a behavior technician providing such services. Further requires such supervision to be in-person and not virtual.

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 they be provided in a physical classroom.

(Amends R.S. 17:173(A)(2)(intro. para.),(c), (e), and (h), (B)(6)-(8), and (D); Adds R.S. 17:173(B)(9) and (10))