

RÉSUMÉ DIGEST

ACT 226 (HB 862)

2016 Regular Session

Falconer

New law provides a limitation of liability for a parent, tutor, or curator of a student with developmental disabilities which is contingent on all the following factors existing at the time of the injury or loss:

- (1) The school developed and implemented a behavioral intervention plan as part of an Individualized Education Program (IEP) pursuant to the Individuals with Disabilities Education Improvement Act of 2004.
- (2) The parent, tutor, or curator of the student signed the IEP.
- (3) The parent, tutor, or curator relinquished physical care, custody, and control of the student to the school.
- (4) The parent, tutor, or curator was not present or exercising any physical care, custody, or control over the student at the school or school sanctioned event.

Provides that new law shall not apply if the damage, injury, or loss was caused by the negligence of the parent, tutor, or curator and that the damage, injury, or loss must have been caused by a violation of the behavioral intervention plan by an employee of the school.

Effective August 1, 2016.

(Adds R.S. 9:2800.23)