

RÉSUMÉ DIGEST

ACT 944 (HB 352)

2026 Regular Session

Mack

Existing law prohibits a public school governing authority from prohibiting a behavioral health provider from providing medically necessary behavioral health services authorized by an independent third-party payor, including but not limited to Medicaid and commercial insurance, to a student at school during school hours if the student's parent or legal guardian requests such services from the provider. Requires governing authorities to adopt and make available to the public a policy that provides for behavioral health services for students. New law further requires each governing authority to post its policy on its website and include it in its student handbook.

Existing law requires that the policy include the following:

- (1) Behavioral health services shall be permitted during school hours if the student's parent or legal 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. New law prohibits, if supervision of the behavioral health provider is conducted virtually, any other student except the student receiving behavioral health services from being recorded.
- (2) A governing authority shall not prohibit a behavioral health evaluation, assessment, or authorized treatment plan from being performed on school property in order to establish medical necessity or deliver medically necessary services.

Prior law required that the policy provide that services may be provided during any part of the school day including any and all instructional time in English, reading, math, and science. New law instead requires that the policy provide that services shall be provided in a physical classroom, to the extent that it is medically necessary, during any part of the school day including any and all instructional time in courses including but not limited to English, reading, math, and science; provides, however, that services shall also be provided outside of the physical classroom if medically necessary.

New law additionally requires the policy to include the following:

- (1) A contract or agreement between a public school governing authority and a behavioral health provider may specify whether a school principal has the authority to dismiss a behavioral health provider staff member from campus.
- (2) A school-based service delivery review meeting shall be held for the purpose of reviewing the delivery of behavioral health services in the school setting, including the behavioral health provider's role, applicable student plans, classroom expectations, communication, scheduling, and other procedures necessary to support uninterrupted instruction and appropriate coordination with school personnel and the behavioral health provider (within 21 days after a parent submits a treatment plan to a school administrator and no later than 14 school days after behavioral services begin). New law prohibits such meeting from replacing any other meeting required by a student's Individualized Education Plan (IEP).

New law prohibits a behavioral health provider from implementing or directing medically necessary services that knowingly interfere, impede, or conflict with services a school is legally required to provide under a student's IEP, Individualized Accommodation Plan, Section 504 Plan, Behavior Intervention Plan, or Individualized Health Plan, unless there is collaboration and agreement between service providers.

Existing law requires the State Bd. of Elementary and Secondary Education (BESE) to adopt rules for the implementation of existing law. New law broadens the application of this requirement to apply to the implementation of new law.

Existing law requires BESE to provide for a dispute resolution process relative to the services provided pursuant to existing law according to guidelines established by the state Dept. of Education. New law broadens the application of this requirement to apply to the services provided pursuant to new law and adds the following:

- (1) The parent or legal guardian shall be the only person authorized to file a dispute resolution claim in relation to a student. Further provides that, in the event of a conflict between a student's IEP, Individualized Accommodation Plan, Section 504 Plan, Behavior Intervention Plan, or Individualized Health Plan and a behavioral health provider's treatment plan, the applicable student plan is required to control with respect to the educational services and supports addressed by that plan.
- (2) Medically necessary behavioral health services are not required to be included in any student school plan in order for such services to be provided on school property and may not be denied solely because they are not included in a particular plan.

Effective August 1, 2026.

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