
DIGEST

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HB 862 Reengrossed

2016 Regular Session

Falconer

Abstract: Provides a limitation of liability for a parent, tutor, or curator of a student with developmental disabilities when the care, custody, and control of the student has been relinquished to the school.

Proposed 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 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 proposed 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.

(Adds R.S. 9:2800.23)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Amends the exception to the proposed law limitation of liability from acts of gross negligence to acts of negligence by the parent, tutor, or curator.
2. Adds that the damages, injury, or loss sustained by an employee of the school must have been caused by a violation of the behavioral intervention plan by an employee of the school.