

# POLICY ALERT



December, 2016

Forethought Consulting, Inc.

## POLICY UPDATE: 2016

### LOUISIANA LEGISLATIVE REVISIONS, PART 2

Wrapping up the legislative changes for the year, as 2016 draws to a close we bring you good tidings and presents of six policies revised to reflect 2016 state legislation, as well as call your attention to important information about other provisions not affecting policy.

#### AUTHORIZED SIGNATURES

Act 347, amending La. Rev. Stat. Ann. §17:81, requires that anyone who enters into a contract on behalf of the School Board, including but not limited to vendors or contracts of membership with private or quasi-public entities, shall be in compliance with the policies and procedures of the School Board in effect at the time the contract is executed. The law does not apply to those contracts in effect July 31, 2016, but does apply to those executed on or after August 1, 2016. This appears to address the many small incidental contracts which obligate the School Board, one example of which is the leasing of copier equipment by schools.

This language has been added to the *Authorized Signatures* policy. For many systems we have recoded the policy from DJAA, to DJA, and added additional information for consideration which we feel may enhance the policy. We encourage all systems to review policies and procedures on purchase orders and contracts for consistency with the new provisions.



#### Policies In This Issue:

- *Authorized Signatures*
- *Student Assignment*
- *Administration of Medication*
- *School Admission*
- *Dangerous Weapons*
- *Expectant and Parenting Students*

## SCHOOL ADMISSION

According to the provisions of Act 303, amending La. Rev. Stat. Ann. §17:154.2, schools may not *require* parents or legal guardians to disclose a student's medical information or special education needs *prior* to enrolling the student in a public school, unless otherwise specifically required by law. However, the statute further stipulates that nothing shall prohibit a school from providing an enrollment preference to a student with special needs when the student's parent or legal guardian has voluntarily provided the school with information regarding the needs of the student. The Act became effective on June 2, 2016.

## STUDENT ASSIGNMENT

Act 364, amending La. Rev. Stat. Ann. §17:1944, outlines the conditions that must be met for a student with an exceptionality, not including a gifted and talented student, to be assigned to a school requested by the parent. The conditions include the parents submitting the request by April 1<sup>st</sup> of the preceding school year with a recommendation from at least two (2) physicians; the School Board responsible for the student and the School Board having jurisdiction over the school requested entering into an agreement for the assignment to the requested school; the requested school shall be at least 10 miles from the school to which the student is assigned; and the requested school is at least 15 miles from the student's home. A final condition is that the requested school shall **not** be located in a public school district in which 50% or more of the public schools are charter schools and 50% or more of the public schools participate in a single application and enrollment process. These provisions became effective August 1, 2016.

## DANGEROUS WEAPONS

The possession of firearms in a *firearm-free zone* is allowed in certain circumstances, and Act 337, amending La. Rev. Stat. Ann. §14:95.6, clarifies this by adding the statutory references which outline the exceptions. Likewise, we have added reference to La. Rev. Stat. Ann. §§14:95.2 and 14.95.6 in the *Dangerous Weapons* policy. The statute also includes requirements for signs or other markings that "Law Enforcement Weapons Permitted" or similar language be posted as suitable. The Act became effective August 1, 2016

## ADMINISTRATION OF MEDICATION

In 2013, changes were made to the *Administration of Medication* policy which included a definition of *unlicensed diabetes care assistant*. Act 454, amending La. Rev. Stat. Ann. §17:436.3, has added additional language to this

definition, including now "an employee of an entity that contracts with the school or school system to provide school nurses who are responsible for providing health care services required by law or the Department of Education." This new language has been added to the policy, and we also updated other language in the policy to reflect recent updates to BESE Bulletin 135, *Health and Safety*. The new law became effective August 1, 2016.

## EXPECTANT AND PARENTING STUDENTS

Act 523, in enacting La. Rev. Stat. Ann. §§17:221.7 and 17:3996(B)(2), entitled the *Louisiana Expectant and Parenting Students Act*, requires School Boards to adopt a policy regarding expectant and parenting students' rights and to provide an environment that promotes high school graduation. Such policy is required to include maintaining student confidentiality, ensuring a safe and supportive learning environment, promoting academic success, and implementing sensible attendance policies. These qualifications have been added to the policy *Expectant and Parenting Students*. The School Board is also required to make the policy readily available by posting the policy on the website of the school or School Board, or other appropriate means. This Act became effective August 1, 2016.

## AFTERTHOUGHTS:

### Act 234

Although not affecting policy, Act 234, amending La. Rev. Stat. Ann. §§17:81 and 17:3996, requires that each public school shall post on their website the number for the child protection toll-free hotline operated by the Department of Children and Family Services to receive reports of child abuse and neglect. The Act became effective August 21, 2016

### Dating Violence Instruction

We are aware that School Boards recently received a letter from the *Louisiana Coalition Against Domestic Violence* (LCADV) which included a reference to a policy on *Dating Violence*. La. Rev. Stat. Ann. §17:81, as amended in 2010 and 2014 regarding dating violence, does *not* require the School Board to *adopt a policy* addressing the instruction of dating violence. It does require, however, each appropriate school to provide students in grades 7-12 enrolled in Health Education age-appropriate classroom instruction relative to dating violence. The statute goes on to provide other more specific aspects relating to dating violence as noted in the LCADV letter. As long as the School Board is complying with the statutory requirements, we feel no policy is needed.