

# POLICY ALERT

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## POLICY UPDATE: 2016

### LOUISIANA LEGISLATIVE REVISIONS, PART 1

The regular 2016 Louisiana Legislative Session did not impact School Board policy as much as it has in past years, but we still have divided up the revisions to policies and are including the first four with this newsletter. We have already begun working on the next group of policy revisions and will send them in coming weeks.

#### PURCHASING

Act 548, amending La. Rev. Stat. Ann. §38:2212, made changes to statutory language which replaces the term *school district purchasing cooperative* with the term *qualified group purchasing organization*. A qualified purchasing organization is defined as “an organization, whether for profit or not for profit, of which two or more public school districts are members and which solicits proposals or bids from vendors of services, materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.” School Boards or schools can enter into the agreement, which shall require that the organization submit a price list which shall remain in effect for a stated time period of not less than three (3) months. The price list shall be considered to be a valid bid by the *qualified group purchasing organization* during the effective period of the agreement with no additional bid from the *qualified group purchasing organization* being necessary. The *Purchasing* policy has been revised to reflect the new language. The Act became effective August 1, 2016.

#### Policies In This Issue:

- *Purchasing*
- *Contracts and Compensation*
- *Use of Automated External Defibrillator (AED)*
- *Education of Students with Exceptionalities*

## USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

When the legislature first addressed the use of AEDs in high schools in 2012, La. Rev. Stat. Ann. §40:1137.3 specified that if funding was available, each high school participating in interscholastic athletics shall have an AED on its premises. Act 425 of the 2016 legislative session removed the stipulation regarding participation in interscholastic athletics, and now requires, when funding is available, that **each** high school have an AED on its premises. The Act also removed the necessary notification to the bureau of emergency medical services of the Department of Health and Hospitals, and gives high schools the authority to accept donations of AEDs or funds to acquire them. The revised policy *Use of Automated External Defibrillator (AED)* reflects these changes. The requirement shall become “operative and enforceable” on January 1, 2018.

## CONTRACTS AND COMPENSATION

La. Rev. Stat. Ann. §17:418 requires that the annual salary of an employee shall not be reduced below the amount of the annual salary paid to the employee during the previous school year or during the academic year. There are certain exceptions to this limitation, and with Act 466 another has been added. The Act includes a new exception for cases when the elimination, discontinuance, or reorganization of the position to which the employee is assigned results in the employee working fewer hours, days, or months. In such case, the employee’s salary for that academic year shall not be reduced. After that year, the employee’s salary shall be determined in accordance with the applicable salary schedule for the employee’s position. This new exception has been added to the *Contracts and Compensation* policy, and became effective August 1, 2016.

## EDUCATION OF STUDENTS WITH EXCEPTIONALITIES

With assistance from Pam Delaune, of Hammonds, Sills, Adkins, and Guice, we have revised the policy

*Education of Students with Exceptionalities* to reflect provisions of Act 522, amending La. Rev. Stat. §§17:252 and 17:416.21. The changes to the information under *Seclusion and Restraint* include a change in the definition of *physical restraint*, which now reads that physical restraint does not include “momentary blocking of a student’s action if the student’s action is likely to result in harm to the student or other person.” This replaces the previous terminology “holding of a student by a school employee for less than five minutes in any given hour or class period for the protection of the student or others.”

The Act only requires that the guidelines and procedures be provided to the Louisiana Department of Education (LDE), which most School Boards have adopted separately from policy. However, any system that includes the procedures and guidelines in policy, should submit the full document.

A new provision now requires that the written guidelines and procedures shall be posted at each school under the jurisdiction of the School Board and on the School Board’s website.

The follow-up requirements have been revised as well, with a review of a student’s *Behavior Intervention Plan* every three (3) weeks, if a student’s challenging behavior continues or escalates, requiring repeated use of seclusion or restraint.

This Act became effective with the signature of the governor on June 13, 2016.

The next issue of **POLICYALERT** will address additional legislation, including contracts and student assignment, as well as updates to insurance and family and medical leave policies not based on legislative changes.

In addition, we are currently assessing, with the help of a group of Business Managers, revisions to federal regulations addressing EDGAR Procurement Standards and their impact on School Board policies. Stay tuned, as we hope to have recommended changes in the near future.

