

Regular Session, 2006

ACT No. 825

HOUSE BILL NO. 234

BY REPRESENTATIVE RICHMOND

AN ACT

To enact R.S. 17:436.2, relative to school board policies; to require city, parish, and other local public school boards and charter schools to adopt policies prohibiting teachers from making a recommendation that a student be administered a psychotropic drug and from taking certain actions relative thereto and from specifying or identifying any mental health diagnosis for a student; to provide relative to the authority of certain school board or charter school employees to recommend that students be evaluated; to provide relative to the authority of school employees to discuss student behavior and academic progress; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.2 is hereby enacted to read as follows:

§436.2. Psychotropic drugs; school board and charter school policies; prohibition; teacher recommendations; definitions

A. By not later than November 1, 2006, each city, parish, and other local public school board and charter school shall adopt policies prohibiting any teacher employed by the board or charter school from taking any of the following actions:

(1) Recommending that a student be administered a psychotropic drug.

(2) Specifying or identifying any specific mental health diagnosis for a student.

(3) Using a parent's or guardian's refusal to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation, screening, or examination of a student as grounds for prohibiting the student from attending any

1 class or participating in any school-related activity or as the sole basis of accusations
2 of child abuse or neglect against the parent or guardian.

3 B. The provisions of this Section shall not be construed so as to prohibit any
4 of the following:

5 (1) An employee of a city, parish, or other local public school board or
6 charter school who is a registered nurse, nurse practitioner, physician, or an
7 appropriately credentialed mental health professional or teacher from recommending
8 that a student be evaluated by an appropriate medical practitioner.

9 (2) A teacher or other certified employee of a city, parish, or other local
10 public school board or charter school from suggesting a student be assessed or
11 evaluated by qualified employees of the school board or charter school who perform
12 such function.

13 (3) A teacher assessing or evaluating any element of a student's academic
14 readiness, performance, or achievement.

15 (4) Any employee of a city, parish, or other local public school board or
16 charter school from discussing any aspect of a student's behavior or academic
17 progress with the student's parent or guardian or any other employee of the school
18 board or charter school.

19 C. For purposes of this Section:

20 (1) "Psychotropic drug" shall mean a substance that is used in the diagnosis,
21 treatment, or prevention of a disease or as a component of a medication and is
22 intended to have an altering effect on perception, emotion, or behavior.

23 (2) "Teacher" shall mean any person employed by a city, parish, or other
24 local public school board or charter school, who, as a condition of employment, is
25 required to hold a valid teaching certificate issued by the state Department of
26 Education and any person employed by a city, parish, or other local public school
27 board or charter school as a substitute teacher.

1 D. The provisions of this Section shall not interfere with the development
2 and implementation of an individualized education program for any child with an
3 exceptionality as provided pursuant to any state or federal law, rule, or regulation.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____