

Recommendations for Local School Boards related to Policy Language

Pursuant to Act 696 of 2018

January 17, 2019

The Council encourages Local Education Agencies to develop policies to implement Act 696 of 2018 related to allowing private behavioral health services, including Applied Behavior Analysis, in schools to be based on the best interest of students welfare and allow services to meet the individualized needs of students. The following recommendations are based on a review of [Act 696 of 2018](#), guidance by the Louisiana School Board Association, and policies of some Local Education Agency (LEA) policies related to Act 696 of 2018 in the Fall of 2018.

The Council recommends Local School Board policies to avoid creating unnecessary barriers to students receiving services in a timely manner or creating standard arbitrary limitations of time or setting. Below are a list of specific recommendations and example language to avoid which was discovered in some local school board policies.

Recommendation:	Example Policy Language to Avoid
Avoid arbitrarily limiting the number of minutes and weekly visits for behavioral health services in schools.	Behavioral Health Provider (BHP) services shall not exceed 90 minutes per week or more than 1x/days per week. Shall not exceed 45 minutes per day, or more than 2x/days per week. Approval notification will include the frequency and duration of services and anticipated length of BHP's services.
Permit, allow and accommodate make up appointments.	Make-up sessions will not be accommodated.
Avoid prohibiting the BHP from fulfilling mandatory reporter requirements or recording observations of interactions with students relevant for a student's behavioral health treatment.	BHP shall not record any observation relating to any other student or any educational service provider...
Follow standard school visitor sign-in protocols instead of requiring the BHP to report to the school principal each time they enter the building.	The BHP shall report to the school principal or designee when entering and leaving the School.

Recommendation:	Example Policy Language to Avoid
Accept the use of electronic devices as a modern tool, even for behavioral health providers.	Use of electronic devices are prohibited.
Allow BHP and school staff to discuss relevant behavioral health treatment issues related to the student.	Unless specifically authorized by the principal or his/her designee, the BHP agrees that discussions with staff shall not take place during observations or delivery of BHP services.
Share responsibility with billing Medicaid to ensure parents are not charged unnecessarily.	BHP shall not duplicate services provided by the School Board and shall not bill Medicaid for duplicative services rendered by BHP. BHP shall assume sole responsibility for ensuring that his/her/its behavior health services do not conflict and/or duplicate services provided by the School Board.
Use the insurance coverage requirements specified in R.S. 17:173, exclusively.	Medical Malpractice/Professional Liability \geq \$1m Employer's Liability \geq \$1m Commercial Auto \geq \$1m General Liability: Mobile locations \geq \$2m each occurrence Personal & Advertising \geq \$1m Products/Completed Operations \geq \$2m General Aggregate \geq \$4m Medical Expense Limit for any one person \$5k
Provide space for behavioral health services to best meet the individualized needs of the student receiving services.	The School Board shall not be responsible for making suitable space available for the BHP, and the BHP is solely responsible for making alternative off-campus arrangements when, at the determination of the school, suitable space is unavailable for delivery of behavioral health services to students.
Ensure any authorization by the School Board is individualized per student and limits unnecessary work with repeated requests and renewals.	Authorization remains in effect for nine (9) weeks, subject to renewal each nine-week period thereafter. Authorization remains in effect for six (6) weeks, subject to renewal each six-week period thereafter.

The Council recognizes Act 696 of 2018 as an opportunity for school systems, behavioral health providers, and parents to collaborate on appropriate services for children and acknowledges Act 696 of 2018 does not supplant a parent's rights for services under the Individuals with Disabilities Education Act (IDEA).

Local Education Agencies should ensure policies related to consent to release information requirements of Act 696 of 2018 clarify what information is to be shared and with whom.