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## DIGEST

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Hoffmann

HB No. 89

**Abstract:** Excepts a student deemed to be gifted or talented from certain provisions relative to the use of seclusion and restraint unless he has been dually identified as also having a disability.

Present law requires the State Board of Elementary and Secondary Education (BESE) to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in present law (R.S. 17:1942):

A "student with an exceptionality", including a student with a disability, is any student who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency, a student experiencing developmental delay ages three through eight.

Present law further requires the governing authority of each public elementary and secondary school:

- (1) To adopt written guidelines and procedures regarding the use of seclusion and physical restraint.
- (2) To provide these written guidelines and procedures to all school employees and to every parent of a child with an exceptionality.

Proposed law provides that present law, relative both to BESE's preparation and adoption of such rules and guidelines and public school governing authorities' provision of such guidelines and procedures to parents, shall not be applicable to a student who has been deemed to be gifted or talented unless he has been identified as also having a disability.

(Amends R.S. 17:7(5)(b) and 416.21(M)(2))