



October 2024 Policy Alert Updates

LEGISLATIVE UPDATE PART III

Policy Alert 2024 Legislative Update Series Part III covers a variety of policies, including qualifications and training of School Board members, School Board meeting notification, employee compensation, sick leave and sick leave bank policies, and student policies largely focusing on health issues.

School Board Member Qualifications

Act 204, effective August 1, 2024, revised La. Rev. Stat. Ann. §17:52 to include the requirement that School Board members possess a high school diploma, or its equivalent as determined by the State Board of Elementary and Secondary Education.

Although we did not add it to the *School Board Member Qualifications* policy, the Act also included new language that prohibits a person from serving on the School Board who has been convicted of or pled *nolo contendere* to a crime listed in La. Rev. Stat. Ann. §15:587.1 (C).

School Board Member Continuing Education

Act 198, effective August 1, 2024, revised La. Rev. Stat. Ann. §17:53, by including special education to the list of training and instruction for School Board members. This requirement has been added to the *School Board Member Continuing Education* policy.

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- Student Health Services
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- Administration of Medication
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Notification of School Board Meetings

Act 617, effective August 1, 2024, revised La. Rev. Stat. Ann. §42:19, rewording the notification method to “giving notice” rather than “mailing notice.” That statute also now requires that notice be given to any member of the public who requests it, in the same time and manner as it is given to members of the news media who requests it.

La. Rev. Stat. Ann. §42:19 also includes a new requirement that notice be provided to the Commissioner of Administration in a format and manner that allows the Commissioner to post the notice on the Commissioner’s website twenty-four (24) hours prior to the scheduled time of the meeting.

These revisions are reflected in the policy *Notification of School Board Meetings*.

Contracts and Compensation

Act 311, effective May 28, 2024, revised La. Rev. Stat. Ann. §17:418 to address additional compensation to be paid to employees for work not specifically covered in the employee’s job description. The School Board is tasked with developing a uniform supplemental salary schedule for the 2024-2025 school year for certified employees that covers compensation for duties performed beyond the scope of their prescribed duties and responsibilities. These new provisions have been reflected in the *Contracts and Compensation* policy.

Sick Leave

Act 315, effective May 28, 2024, revised La. Rev. Stat. Ann. §17:1206 to extend the amount of leave that school employees receive for a disability caused by physical contact with a student from ninety (90) days to one (1) year. This revision has been reflected in the *Sick Leave* policy.

Sick Leave Bank

Act 115, effective August 1, 2024, revised La. Rev. Stat. Ann. §§17:500.2, 17:1202, and 17:1206.2. These statutes address extended sick leave for school bus operators, teachers, and school employees respectively. In 2012, the Legislature required that each School Board adopt a policy which implemented a sick leave bank to allow for donation of sick leave among employees. No particulars were included in

the then statutory language. That legislation did not address donations made directly to employees, but instead was interpreted to establish banks for each separate classification of employees that leave could be donated to, and pulled from, when an employee needed extra sick leave.

Act 115 revised each guiding statute to include provisions that an employee could donate directly to another employee in an amount not to exceed one-half of the donating employee’s accumulated leave as calculated at the beginning of the school year.

Act 115 also included a provision that at least ninety percent (90%) of the leave balance in the bank be retained from one year to the next. As the information is included in each guiding statute, we feel that the ninety percent (90%) applies to the balance in each of the separate accounts for bus operators, teachers, and school employees. Some School Boards’ policies had language which required that the bank started anew each year without carryover. This is no longer allowed.

Corporal Punishment

Act 780, effective August 1, 2024, added language to La. Rev. Stat. Ann. §17:416.1 that strictly prohibits taping a student’s mouth shut or otherwise restricting his or her airway, regardless of parental consent. The *Corporal Punishment* policy has been revised accordingly for School Boards as needed.

Student Health Services

Act 161, effective May 23, 2024, revised La. Rev. Stat. Ann. §17:463.1 to require noncomplex health procedures be prescribed by a physician licensed in Louisiana or any other state of the United States. Previously the prescriptions had to be from physicians licensed in Louisiana or an adjacent state. This language has been included in the *Student Health Services* policy.

Immunizations

The *Immunizations* policy has been revised to reflect revisions from Act 460 and Act 674, both effective August 1, 2024, which revised La. Rev. Stat. Ann. §17:170. Act 460 added language stating that teachers or administrators may not distinguish between students based on whether or not they have received vaccinations. The following acts are

specifically prohibited, but are not limited to: determination of eligibility for athletics or extracurricular activities; allowing or denying participation inside and outside the classroom; issuance of surveys relative to vaccination status; and organizing seating arrangements.

Act 674 revised the statute to prohibit requiring a student to receive a Covid-19 vaccine as a condition of enrollment or attendance.

Administration of Medication

The *Administration of Medication* policy has been revised to reflect provisions of Act 161, effective May 23, 2024, and Act 378, effective August 1, 2024, which revised La. Rev. Stat. Ann. §17:436.1. As discussed above for the *Student Health Services* policy, Act 161 changed the language which said prescriptions must be from physicians licensed in Louisiana or an adjacent state, to “in Louisiana or any other state of the United States.”

Whereas School Boards were not previously required to have a policy addressing the maintenance of a supply of naloxone and its use, Act 378 revised the statute to **require** such a policy be adopted on use of naloxone or other opioid antagonists. The Act defines “trained school employees” other than nurses who are authorized to

administer naloxone in emergencies. School Boards with separate policies on the use of naloxone or other opioid antagonists have been revised accordingly as well.

Behavioral Health Services for Students

Act 745, effective June 19, 2024, revised La. Rev. Stat. Ann. §17:173 to include several changes reflected in the recently recoded policy *Behavioral Health Support for Students*. Some of the revisions include:

1. That providers must be providing “medically necessary” services “authorized by an independent third-party payor.”
2. Allowing providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board who provide documentation of having passed a criminal background check and are in good standing with the Board to forgo an additional criminal background check.
3. Allowing services to be provided at any part of the school day, including instructional time.
4. Adding definitions for “independent third-party payor” and “medically necessary services.”