



**ST. MARTIN PARISH SCHOOL DISTRICT PROCEDURES FOR
MEDICALLY NECESSARY BEHAVIORAL HEALTH SERVICES
DURING THE SCHOOL DAY
by OUTSIDE BEHAVIORAL HEALTH PROVIDERS**

These procedures are developed to comply with La. R.S. 17:173, including La. R.S. 17:173(B)(7) and (8) and 17:173(D) as amended and enacted by Act 745 of the 2024 Louisiana Legislature. The School System reserves the right to modify these procedures as necessary to address regulatory requirements promulgated by the Louisiana Board of Elementary and Secondary Education (BESE); preserve the integrity of the teaching/learning process; and provide for student and staff safety.

The School Board recognizes that social, emotional, and physical well-being are fundamental to college, career, and community readiness and student success. Providing access to appropriate behavioral health services is one means of supporting the learning environment and may be part of a comprehensive approach to providing students with opportunities for academic success. In addition to any educationally necessary behavioral health services provided to students by or on behalf of the School Board, the School Board shall permit medically necessary behavioral health services (BHS) authorized by an independent third-party payor, including but not limited to Medicaid and commercial insurance, that the behavioral health provider (BHP) provides to a student at school during school hours, if the student's parent or legal guardian requests and consents to such services from the provider. School Board policy and these procedures allow parentally selected, licensed/qualified behavioral health providers/agencies (outside BHPs) to provide BHS to an enrolled student, at a school under the jurisdiction of the School Board during school hours, if the student's parent or legal guardian submits a written request for such BHP and services to the Superintendent or Superintendent's designee and all other requirements of R.S. 17:173 and these procedures are met. The authority of a student's Individualized Education Program (IEP) Team or Section 504 Team to determine the nature and extent of a free appropriate public education (FAPE) for a student pursuant to applicable federal and Louisiana law shall not be superseded by BHP's "medically necessary" behavioral treatment plan or any provisions of these procedures.

In order to ensure the safety of students and maintain the integrity of the teaching-learning process and in keeping with professional decorum, all outside BHPs seeking to provide BHS at school sites during the school day must first make application to the Superintendent or designee and must agree via a Memorandum of Understanding (MOU) to abide by all terms and conditions set forth in administrative procedures established by the Superintendent/designee, as well as all statutory requirements of La. R.S. 17:173 and implementing BESE rules. If the BHP is a professional agency or individual seeking to serve more than one student, only one fully executed MOU is required per year, except that student-specific evaluations, treatment plans, parental consent, progress reports and other such documentation must be submitted to the School Board as applicable.

Terms:

"Educationally necessary" services for purposes of these procedures means instructional and supportive services and interventions that promote a student's attainment of the Louisiana Department of Education's educational objectives and facilitate a student's educational progress, including specially designed instruction and related services designed to meet the unique educational needs of eligible students with disabilities through an individualized education program (IEP) or Section 504 Plan.

“Medically necessary” services means services that: (a) are provided for the diagnosis, treatment, care, or relief of a health condition, illness, injury, or disease; (b) except for clinical trials described within this policy, are not for experimental, investigational, or cosmetic purposes; (c) are within generally accepted standards of medical care in the community; and (d) are not solely for the convenience of the insured, the insured’s family, or the provider.

“Independent third-party payor” means an individual who serves as a case reviewer for Medicaid or commercial insurers.

STEP 1

The **parent/guardian** must submit a written request to ___Adrienne Huval_____ at _____adrienne_huval@saintmartinschools.org_____. A form developed for this purpose by the School Board will be made available to assist the parent/guardian in submitting required information. Please contact ___Adrienne Huval_____ if you have any questions or need assistance. Requests for medically necessary outside BHS at school that are submitted **only** by the BHP will not be accepted.

STEP 2

In conjunction with the request for medically necessary outside BHS, the parent/guardian must submit the following documents to ___Adrienne Huval_____: (1) a signed consent to release information form between the BHP and the School Board; and (2) a behavioral health evaluation performed by a BHP evaluator as well as an assessment and authorized treatment plan performed by a BHP chosen by the parent/legal guardian indicating that the BHS are medically necessary during school hours to assist the student with behavioral health impairments associated with a medical diagnosis that the evaluator determines are interfering with the student’s ability to thrive in the educational setting. The contents of the behavioral health evaluation must include, at a minimum, the student’s medical diagnosis, a description of present problems and symptoms; information about health, illness and treatment (both physical and behavioral), including current medications; information about the student’s development; and relevant information, if any, about environmental factors and relevant historical events. The BHP evaluation must include an assessment and authorized treatment plan performed by a BHP and must clearly identify the operational definition describing the factors that constitute interference with a student’s “ability to thrive in the educational setting” and the criteria used by the BHP for determining such interference resulting from diagnosed behavioral health impairments.

In an effort to integrate medically necessary services into the educationally necessary academic services mandated during the school day by the LDE and by student IEPs/Section 504 Plans, the treatment plan developed by the BHP must include consideration of the impacts on the School Board’s educational obligations and operation, the student’s educational progress, and the student’s testing schedule. The treatment plan must describe the type of behavioral intervention; anticipated length of intervention(s); goals targeting the student’s identified medical needs;

identification of impact of behavioral health impairments on the student's educational program; recommendations for services, including applied behavior analysis (ABA) services, and the anticipated frequency and duration of behavioral health client contact during school hours. The parentally selected BHP and School Board administrators are required to work collaboratively to create a consistent schedule that meets the BHP-identified medical needs of the student, complies with the provider's ethical code of conduct, and respects the rights of students to access the general curriculum and, as applicable, receive a FAPE in the least restrictive educational environment. The School Board administrator and BHP shall also consider the impact of the presence of the BHP and the recommended BHS on school operations. Requests submitted without the required parental consent and release form and/or the required BHP evaluation, assessment, and treatment plan will not be accepted.

The written consent for services signed by the parent must include an agreement that the BHP is authorized to communicate with and work collaboratively with School Board personnel in coordinating the delivery of educationally necessary and medically necessary services to the student. A collaboration schedule must be mutually determined to avoid interference with educational responsibilities of School Board employees and contractees. In no case shall a parentally selected BHP usurp the educational authority of School Board employees and contractees in implementing the terms of any Individualized Education Program (IEP), Individualized Accommodation Plan (IAP)/Section 504 Plan, Behavior Management (BMP)/Behavior Support Plan (BSP), or Individualized Health Plan (IHP) applicable to a student who is a client of the provider.

STEP 3

The BHP must also submit a written request to Adrienne Huval at adrienne_huval@saintmartinschools.org. A form developed for this purpose by the School System is available to assist the BHP in following required School Board procedures. (The parent request form and the BHP request form may be submitted simultaneously by the parent/guardian). As part of the request process, the BHP must agree to abide by School Board policies, procedures, terms, and conditions set forth in a Memorandum of Understanding (MOU) available from the School Board. The BHP must obtain a copy of the MOU, review, and sign agreement before authorization to access students during the school day will be provided. The BHP must be identified as the evaluator of the student on the evaluation report submitted by the parent/guardian or must provide evidence of review and concurrence with such evaluation submitted by the parent/guardian.

STEP 4

In conjunction with providing signed written agreement to abide by the policies, procedures, terms, and conditions set forth in the MOU, the BHP must submit to Adrienne Huval at adrienne_huval@saintmartinschools.org the required license verification, general and professional liability insurance, worker's compensation insurance, auto liability insurance,

criminal background check certificate, and other identified information prior to providing services. Applied behavior analysis providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board (LBAB), who provide documentation of having passed a criminal background check conducted by the Louisiana State Police, and who are in good standing with the LBAB shall not be required to complete an additional criminal background check as a precondition to begin providing behavioral health services at a school. No person who has been convicted of or pled nolo contendere to a crime listed in La. R.S. 15:587.1(C) shall be permitted to provide BHS to a student at school during school hours.

STEP 5

Adrienne Huval_____ will review all requests for outside BHS to determine if all necessary information has been received in accordance with School Board policy and procedures. Reviews will be completed within __10__ business days unless extraordinary circumstances prevent completion within the specified timeframe. The requestors (parents and BHP) will be notified of any delays and the reasons for any such delays in honoring parental/provider requests to begin delivery of BHS by the BHP. The School Board reserves the right to deny requests which are incomplete. Requests meeting all School Board policy and procedural requirements will be granted. Authorization remains in effect for the current school year unless withdrawn for valid reasons. The School Board reserves the right to immediately terminate its authorization in the event of a breach of School Board policy and/or procedures by the BHP. Students must be seen by the BHP on a 1:1 basis. Group sessions with multiple students will not be accommodated or permitted.

STEP 6

The requesters and the affected school principal will be notified that the request for BHP services meets all requirements and has been approved. Approval notification will include:

- Name of specific student
- Name of BHP
- The frequency and duration of BHS
- Anticipated length of BHP's BHS
- Effective date when BHS may begin at school

STEP 7

Immediately upon entering school premises, the BHP will report to the front office and provide picture identification to the ___school staff_____. All required sign-in/sign-out visitor procedures apply. Use of electronic devices is prohibited. The BHP must arrange for an introduction/initial meeting with the principal or designee. The principal and BHP will collaborate regarding available space and times when the student can be made available. BHPs are not permitted to enter student classrooms or interact with any school personnel without the express consent of the principal/designee. BHPs must remain in areas designated by the principal/designee.

The BHP must establish a fixed schedule and provide a copy of the schedule to the principal/designee. A method for summoning the individual student will be determined by the principal/designee. The BHP must notify the front office if unable to make scheduled appointments. Students will not be permitted to remain on school premises after school hours to meet with a BHP.

STEP 8

The principal/designee will determine a collaboration schedule or other method for communicating with the BHP about the student relative to the BHP's behavioral health treatment plan for the student. The principal/designee shall establish reporting requirements for the BHP relative to the student's progress and issues of school safety related to the student's educational program.

STEP 9

If the parent wishes for BHS to continue the next school year, all requests for outside BHP services must be renewed prior to subsumption the next school year. The BHP shall share with the School Board a report of student progress toward medically necessary goals targeting behavioral impairments affecting the student's ability to thrive in the educational setting. The principal/designee will provide the BHP with the School Board's designated progress reporting schedule.

STEP 10

__Adrienne Huval_____ has been designated by the School Board as the single point of contact to resolve issues and concerns related to the BHP's activities on the school campus. The BHP shall, in turn, provide the principal/designee with the name and contact information for its BHP contact person.

MISCELLANEOUS:

1. Only authorized behavioral health services are permitted during the school day. Individual and group celebrations, including parties and other non-therapeutic gatherings must take place outside of school hours and away from school.
2. Make-up sessions will not be permitted due to time and space constraints.
3. Solicitation of any kind is strictly prohibited. Advertising flyers, business cards, and other direct and indirect advertising of BHP's services on school premises is strictly prohibited. BHPs shall not contact or harass parents/students as a means of soliciting business/billing Medicaid or private insurance. Practice conflicts between competing BHP agencies or individuals shall not occur on school premises or involve enrolled students.
4. A behavioral health evaluation or assessment presented by a parent/legal guardian shall not be construed as an independent educational evaluation (IEE) for purposes of determining

a student's eligibility for special education and related services under the IDEA or Section 504

5. The School Board reserves the right to immediately terminate a BHP's authorization to provide BHS on any school campus or district facility for failure to comply with School Board policy and these procedures. A dispute resolution protocol will be developed by the Superintendent/designee to comply with pending BESE rules relative to BHP services on school campuses.

School Board officials will work with the BHP to address any emergency situations that may involve the student, including suicidal threats, threats of violence, and threats of terrorism. The BHP will follow statutory requirements for mandatory reporting of threats of violence and threats of terrorism, as well as any other statutory obligations regarding child safety and well-being.

DISPUTE RESOLUTION: Disputes regarding compliance with School Board policies and procedures and BHP access to students pursuant to parental request will be accepted if submitted within 14 days of the School Board's decision regarding the issue.

Informal Dispute

Dispute Step #1: Informal dispute resolution is a meeting with a School Board designee (point of contact) to discuss the matter in an attempt to find an expedited resolution. If the informal meeting provides no resolution, formal steps may be initiated by providing written notice to the School Board.

Formal Dispute

Dispute Step #2: A formal dispute is a written notice to the School Board that challenges and requests reconsideration of a School Board decision related to BHP access and delivery of BHS on school premises during the school day.

This step involves a scheduled meeting between the complaining party and a designated School Board Central Office Administrator to discuss the dispute. If the dispute cannot be resolved at this step, written notice of the dispute must be documented in writing, signed by the complaining party, and sent to the Central Office Administrator within fourteen (14) days of the School Board decision regarding the matter. In general, the complaining party is responsible for reducing the dispute to writing. Assistance is available for those who are unable to write. The original written notice of dispute is retained by the designated School Board Central Office Administrator and the complainant retains a copy. The School Board's Central Office Administrator reviews the written dispute and commences an investigation within five (5) business days of receipt of the written dispute based on information/documentation contained in the written notice. Following consideration of the facts related to the matter, the

complaining party is notified of the School Board's decision regarding reconsideration of the dispute.

Dispute Step #3: If no resolution was reached at Step #2, the matter is escalated to a higher-level Central Office staff person or third party designated by the Superintendent. The matter is given proper review, and a final decision is communicated to the complaining party in writing no later than thirty (30) days following receipt of a written dispute. The Dispute Step #3 decisions are final. The parent or BHP may resubmit an application for BHS services to be delivered at school the following school year---assuming a commitment to compliance with School Board policy and procedures and correction of any and all identified deficiencies.