

BEHAVIORAL HEALTH SERVICES FOR STUDENTS

The Jefferson Davis Parish School Board recognizes the connection between a student's social, emotional, and mental well-being and the student's academic success. The Jefferson Davis Parish School Board recognizes the connection between a student's social, emotional, and mental well-being and the student's academic success. The School Board desires to assist students in developing the social and emotional skills needed for participation in the educational environment and society at large. In addition to any support services provided by the School Board, the School Board shall allow behavioral health providers to provide medically necessary behavioral health services authorized by an independent third-party payor, including but not limited to Medicaid and commercial insurance, to a student at school during school hours if the student's parent or legal guardian provides a written request for such behavioral health provider and services to the Superintendent or Superintendent's designee, and all other requirements of La. Rev. Stat. Ann. §§17:173 and 17:3996, this policy, and any administrative procedures are met.

A behavioral health provider who provides services according to this policy shall:

1. Maintain general liability insurance coverage in an amount not less than \$1,000,000.00 per occurrence and \$1,000,000.00 per aggregate and provide a certificate of insurance naming the public school as the certificate holder.
2. Complete a criminal background check conducted by the Louisiana State Police and shall pay all related costs. Applied behavior analysis providers who are licensed, certified, or registered by the Louisiana Behavior Analyst Board, who provide documentation of having passed a criminal background check conducted by the Louisiana State Police and are in good standing with the Board shall not be required to complete an additional criminal background check.

No person who has been convicted of or pled nolo contendere to a crime listed in La. Rev. Stat. Ann. §15:587.1 (C) shall be permitted to provide behavioral health services to a student at school during school hours.

Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator as well as an assessment and authorized treatment plan performed by a behavioral health provider chosen by the parent or legal guardian and the evaluation indicates that the services are 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. A behavioral health evaluation or assessment presented by the parent or legal guardian of a student shall not be construed as an independent educational evaluation for purposes of determining if a student meets the criteria established for eligibility for special education and related services.

In addition, the parent or legal guardian of a student receiving services from a behavioral service provider shall be required to execute a *consent to release information* form between the provider and the School Board.

No behavioral health evaluation, assessment, or authorized treatment plan shall be prohibited from being performed on school property in order to establish medical necessity or to deliver medically necessary services. Behavioral health services may be provided during any part of the school day, including any and all instructional time in English, reading, mathematics, and science. The school administrator and service provider shall work collaboratively to create a consistent schedule that meets the medical needs of the student and complies with the provider's ethical code of conduct. In developing the student's plan, consideration shall include impacts on a school's operations and a student's testing schedule. If the parties cannot agree, then the parties shall engage in a dispute resolution process set forth by the state Department of Education.

The School Board shall not enter into a contract or an exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student. However, the provisions of this paragraph shall not impair any existing contract on the effective date of this policy, or the renewal thereof.

The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian, individually or through an applicable health insurance policy, Medicaid, or other third-party payor, other than the School Board, that has made funds available for the payment for the services provided.

The School Board shall establish reporting requirements for a behavioral health provider related to the student's progress and student and school safety concerns as related to the student's educational program.

The Superintendent shall approve administrative procedures to provide for student safety and effective implementation of this policy.

The School Board may establish sanctions, including termination of a provider's authorization to provide services on any school campus, against a behavioral health provider for failure to comply with the provisions of this policy and associated procedures and/or any other School Board policy and procedures.

Any behavioral health evaluation, assessment, or treatment plan administered by the School Board shall not supersede the behavioral health evaluation, assessment, or treatment plan provided by an independent behavioral health provider of a student's parent's choosing. Any applied behavior analysis services provided by the School Board shall be delivered either by behavioral health providers licensed, certified, or registered by the Louisiana Behavior Analyst Board in accordance with La. Rev. Stat. Ann. §37:3701

et seq. or behavioral health providers providing services in accordance with La. Rev. Stat. Ann. §37:3715.

DEFINITIONS

Applied behavior analysis provider shall mean a provider who is licensed, certified, or registered by the Louisiana Behavior Analyst Board and is in good standing to provide applied behavior analysis services.

Applied behavior analysis services shall include the design, implementation, and evaluation of systematic instructional and environmental modifications by an applied behavior analysis provider to produce socially significant improvements in behavior as described in the *Behavior Analyst Practice Act*.

Behavioral health evaluation shall include but not be limited to the following criteria:

- Diagnosis.
- Type of intervention.
- Length of intervention.
- Identification of a student's goals.
- Identification of impact of student behavior on a student's educational program.
- Recommendations for applied behavior analysis services.

Behavioral health provider shall mean a provider who is licensed by the Louisiana Department of Health or a health profession licensing board and is in good standing to provide behavioral health services in Louisiana including but not limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, marriage and family therapist, professional counselor, clinical social worker, applied behavioral analysis provider, or a behavioral health provider organization licensed to provide health services in Louisiana.

Behavioral health services shall include but not be limited to individual psychotherapy, family psychotherapy, psychotropic medication management, community psychiatric support and treatment, crisis intervention, and medically necessary applied behavior analysis services.

Evaluator shall mean a licensed psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, professional counselor, marriage and family therapist, clinical social worker, or applied behavioral analysis provider who is certified by the respective board of examiners in Louisiana to provide necessary evaluations and who is not an employee of the School Board or the Louisiana Department of Education.

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

Medically necessary services means services that meet the following requirements:

1. Provided for the diagnosis, treatment, cure, or relief of a health condition, illness, injury, or disease.
2. Except for clinical trials that are described within the policy, not for experimental, investigational, or cosmetic purposes.
3. Within the generally accepted standards of medical care in the community.
4. Not solely for the convenience of the insured, the insured's family, or the provider.

No provisions of this policy shall be construed to supersede any of the following:

1. The authority of a student's Individualized Education Program Team or Section 504 Committee to determine appropriate services for a student pursuant to applicable federal and state.
2. The provisions of the Behavioral Health Services Provider Licensing Law or any regulation promulgated by the Louisiana Department of Health pursuant to that law.
3. The provisions of the *Behavior Analysis Practice Act*.

New policy: December 20, 2018

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Ref: 20 USC 1232(g-i) (*Family Educational Rights and Privacy Act*); La. Rev. Stat. Ann. §§17:7, 17:73; Board minutes, 12-20-18, 9-19-19, 10-17-19, 7-18-24, 9-19-24.