

HOUSE BILL No. 5696

February 16, 2006, Introduced by Rep. David Law and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1180.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1180. (1) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE
2 OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE TO ALL
3 SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL
4 ACADEMIES A STATE MODEL POLICY CONCERNING CHRONIC BEHAVIORAL ISSUES
5 AND PSYCHOTROPIC MEDICATION FOR PUPILS. THE STATE MODEL POLICY
6 SHALL INCLUDE ALL OF THE FOLLOWING:

7 (A) THAT, IF SCHOOL PERSONNEL SUSPECT A CHILD HAS A CHRONIC
8 BEHAVIORAL CONDITION OR IF REQUESTED BY A CHILD'S PARENT, SCHOOL
9 PERSONNEL MAY DO ANY OF THE FOLLOWING:

1 (i) DISCUSS THE CHILD'S BEHAVIOR WITH THE CHILD'S PARENT.

2 (ii) IF APPROPRIATE, AND WITH PARENTAL CONSENT, REFER THE CHILD
3 FOR AN EDUCATIONAL EVALUATION BY APPROPRIATE EDUCATIONAL
4 EVALUATORS.

5 (iii) IF APPROPRIATE, RECOMMEND TO THE CHILD'S PARENT THAT THE
6 CHILD BE EVALUATED BY AN APPROPRIATE HEALTH CARE PROVIDER.

7 (iv) REFER THE PARENT TO APPROPRIATE HEALTH PROFESSIONALS
8 AFFILIATED WITH THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
9 OR PUBLIC SCHOOL ACADEMY FOR POSSIBLE EVALUATION OF THE CHILD.

10 (v) IF BEHAVIOR ISSUES PERSIST AFTER TAKING THE STEPS UNDER
11 SUBPARAGRAPHS (i) TO (iv), FOLLOW LOCAL PROCEDURES TO PROVIDE
12 SPECIALIZED EDUCATIONAL SERVICES AS APPROPRIATE FOR THE CHILD.

13 (B) THAT, UNLESS HE OR SHE IS LICENSED, CERTIFIED, OR
14 REGISTERED TO DO SO, A TEACHER SHALL NOT DO ANY OF THE FOLLOWING:

15 (i) MAKE A PSYCHOLOGICAL OR MEDICAL DIAGNOSIS OF A BEHAVIORAL
16 CONDITION OR DISORDER IN A CHILD.

17 (ii) RECOMMEND A PSYCHOTROPIC DRUG FOR ANY CHILD.

18 (2) NOT LATER THAN THE BEGINNING OF THE 2005-2006 SCHOOL YEAR,
19 THE BOARD OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR
20 INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC
21 SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A LOCAL POLICY CONCERNING
22 CHRONIC BEHAVIORAL ISSUES AND PSYCHOTROPIC MEDICATION FOR PUPILS
23 THAT IS CONSISTENT WITH THE STATE MODEL POLICY UNDER SUBSECTION
24 (1). IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OPERATES
25 OR PROVIDES EDUCATIONAL SERVICES FOR PUPILS IN A RESIDENTIAL CARE
26 FACILITY FOR COURT-PLACED CHILDREN, THE LOCAL POLICY MAY EXCLUDE OR
27 EXEMPT THAT FACILITY AND CHILDREN AND TEACHERS IN THAT FACILITY. A

1 BOARD OR BOARD OF DIRECTORS SHALL NOTIFY PARENTS OF THE LOCAL
2 POLICY UNDER THIS SUBSECTION. THE NOTIFICATION TO PARENTS MAY BE
3 MADE BY INCLUDING THE POLICY IN A STUDENT HANDBOOK THAT IS
4 DISTRIBUTED TO PUPILS AND PARENTS AT THE BEGINNING OF EACH SCHOOL
5 YEAR.

6 (3) AS USED IN THIS SECTION:

7 (A) "EDUCATION EVALUATOR" MEANS APPROPRIATE SCHOOL PERSONNEL,
8 INCLUDING CERTIFIED SCHOOL PSYCHOLOGISTS, APPROVED SCHOOL SOCIAL
9 WORKERS, APPROVED OR CERTIFIED SPEECH PATHOLOGISTS, SCHOOL NURSES,
10 AND SCHOOL COUNSELORS.

11 (B) "PARENT" MEANS A CHILD'S PARENT OR LEGAL GUARDIAN.