

SUBSTITUTE FOR  
HOUSE BILL NO. 5085

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  
2 DATE OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE  
3 TO ALL SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, AND  
4 PUBLIC SCHOOL ACADEMIES A STATE MODEL POLICY CONCERNING CHRONIC  
5 BEHAVIORAL ISSUES AND PSYCHOTROPIC MEDICATION FOR PUPILS. THE  
6 STATE MODEL POLICY 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:  
10        (i) DISCUSS THE CHILD'S BEHAVIOR WITH THE CHILD'S PARENT.

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

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

6 (iv) REFER THE PARENT TO APPROPRIATE HEALTH PROFESSIONALS  
7 AFFILIATED WITH THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DIS-  
8 TRICT, OR PUBLIC SCHOOL ACADEMY FOR POSSIBLE EVALUATION OF THE  
9 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 A TEACHER SHALL NOT DO ANY OF THE FOLLOWING:

14 (i) MAKE A PSYCHOLOGICAL OR MEDICAL DIAGNOSIS OF A BEHAV-  
15 IORAL CONDITION OR DISORDER IN A CHILD.

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

17 (2) NOT LATER THAN THE BEGINNING OF THE 2002-2003 SCHOOL  
18 YEAR, THE BOARD OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT,  
19 OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC  
20 SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A LOCAL POLICY CONCERN-  
21 ING CHRONIC BEHAVIORAL ISSUES AND PSYCHOTROPIC MEDICATION FOR  
22 PUPILS THAT IS CONSISTENT WITH THE STATE MODEL POLICY UNDER  
23 SUBSECTION (1). [IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
DISTRICT OPERATES OR PROVIDES EDUCATIONAL SERVICES FOR PUPILS IN A  
RESIDENTIAL CARE FACILITY FOR COURT-PLACED CHILDREN, THE LOCAL  
POLICY MAY EXCLUDE OR EXEMPT THAT FACILITY AND CHILDREN AND TEACHERS  
IN THAT FACILITY.] A BOARD OR BOARD OF DIRECTORS SHALL NOTIFY PAR-  
24 ENTS OF THE LOCAL POLICY UNDER THIS SUBSECTION. THE NOTIFICATION  
25 TO PARENTS MAY BE MADE BY INCLUDING THE POLICY IN A STUDENT HAND-  
26 BOOK THAT IS DISTRIBUTED TO PUPILS AND PARENTS AT THE BEGINNING  
27 OF EACH SCHOOL YEAR.

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1 (3) AS USED IN THIS SECTION, "PARENT" MEANS A CHILD'S PARENT  
2 OR LEGAL GUARDIAN.

[(4) AS USED IN THIS SECTION, "EDUCATION EVALUATOR" MEANS  
APPROPRIATE SCHOOL PERSONNEL, INCLUDING CERTIFIED SCHOOL  
PSYCHOLOGISTS, APPROVED SCHOOL SOCIAL WORKERS, APPROVED OR CERTIFIED  
SPEECH PATHOLOGISTS, SCHOOL NURSES, AND SCHOOL COUNSELORS.]