

SUBSTITUTE FOR  
HOUSE BILL NO. 4025

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.

11       (ii) If appropriate, and with parental consent, refer the

1 child for an educational evaluation by appropriate educational  
2 evaluators.

3 (iii) If appropriate, recommend to the child's parent that  
4 the child be evaluated by an appropriate health care provider.

5 (iv) Refer the parent to appropriate health professionals  
6 affiliated with the school district, intermediate school  
7 district, or public school academy for possible evaluation of the  
8 child.

9 (v) If behavior issues persist after taking the steps under  
10 subparagraphs (i) to (iv), follow local procedures to provide  
11 specialized educational services as appropriate for the child.

12 (b) That, unless he or she is licensed, certified, or  
13 registered to do so, a teacher shall not do any of the  
14 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 2003-2004 school  
19 year, the board of a school district, local act school district,  
20 or intermediate school district or board of directors of a public  
21 school academy shall adopt and implement a local policy  
22 concerning chronic behavioral issues and psychotropic medication  
23 for pupils that is consistent with the state model policy under  
24 subsection (1). If a school district or intermediate school  
25 district operates or provides educational services for pupils in  
26 a residential care facility for court-placed children, the local  
27 policy may exclude or exempt that facility and children and

1 teachers in that facility. A board or board of directors shall  
2 notify parents of the local policy under this subsection. The  
3 notification to parents may be made by including the policy in a  
4 student handbook that is distributed to pupils and parents at the  
5 beginning of each school 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  
10 nurses, and school counselors.

11 (b) "Parent" means a child's parent or legal guardian.