

HOUSE BILL No. 4025

January 28, 2003, Introduced by Rep. Tabor 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
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 a teacher shall not do any of the following:

13 (i) Make a psychological or medical diagnosis of a behavioral
14 condition or disorder in a child.

15 (ii) Recommend a psychotropic drug for any child.

16 (2) Not later than the beginning of the 2003-2004 school
17 year, the board of a school district, local act school district,
18 or intermediate school district or board of directors of a public
19 school academy shall adopt and implement a local policy
20 concerning chronic behavioral issues and psychotropic medication
21 for pupils that is consistent with the state model policy under
22 subsection (1). A board or board of directors shall notify
23 parents of the local policy under this subsection. The
24 notification to parents may be made by including the policy in a
25 student handbook that is distributed to pupils and parents at the
26 beginning of each school year.

27 (3) As used in this section, "parent" means a child's parent

1 or legal guardian.