

HOUSE BILL NO. 6504

November 29, 2022, Introduced by Reps. Calley, Wendzel and Beson 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 1178b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1178b. (1) Subject to subsection (2), by not later than
2 July 1, 2023, the board of a school district or intermediate school
3 district or board of directors of a public school academy shall
4 develop or adopt a policy that addresses how a pupil who is
5 enrolled in the school district, intermediate school district, or

1 public school academy and who has a prescription from a private
2 health care specialist for medically necessary treatment receives
3 the treatment when the pupil is in a school setting in compliance
4 with other applicable state laws and federal laws, including, but
5 not limited to, the specified federal statutes.

6 (2) The policy described in subsection (1) must, at a minimum,
7 include at least all of the following criteria:

8 (a) Include a requirement that the parent or legal guardian of
9 each pupil enrolled in the school district, intermediate school
10 district, or public school academy receive a notice that states
11 that the specified federal statutes provide rights and protections
12 to pupils to access medically necessary treatment required by the
13 pupil for the pupil to have meaningful access to the benefits of a
14 public education or to attend school without risks to the pupil's
15 health or safety due to the pupil's disabling medical condition.

16 (b) Address the process in which a private health care
17 specialist may do any of the following as required under the
18 specified federal statutes:

19 (i) Observe the pupil in the school setting.

20 (ii) Collaborate with instructional personnel in the school
21 setting.

22 (iii) Provide medically necessary treatment in the school
23 setting.

24 (c) Include a requirement that the parent or legal guardian of
25 each pupil enrolled in the school district, intermediate school
26 district, or public school academy receive a notice informing the
27 parent or legal guardian of any right under state or federal law to
28 appeal the decision of the board or board of directors concerning
29 access to medically necessary treatment in the school setting.

1 (3) The board of a school district or intermediate school
2 district or board of directors of a public school academy shall
3 make the policy described in subsection (1) publicly available on
4 its website and shall, upon request, make it available to each
5 parent or legal guardian of a pupil who is enrolled in the school
6 district, intermediate school district, or public school academy.

7 (4) By not later than July 1, 2024, and by not later than July
8 1 each year thereafter, the board of a school district or
9 intermediate school district or board of directors of a public
10 school academy shall compile and provide to the department the
11 total number of requests for access to a pupil by a private health
12 care specialist resulting from a policy described in subsection (1)
13 and whether or not the request was authorized or denied.

14 (5) By not later than January 1, 2025, and by not later than
15 January 1 each year thereafter, the department shall make the
16 information it receives under subsection (4) available on its
17 website and shall report the information to the house and senate
18 standing committees on education.

19 (6) As used in this section:

20 (a) "Medically necessary treatment" means treatment
21 recommended or ordered by a private health care specialist.

22 (b) "Private health care specialist" means an individual
23 licensed, registered, or otherwise authorized under article 15 of
24 the public health code, MCL 333.16101 to 333.18838, and acting
25 within the scope of that license, registration, or authorization.

26 (c) "Specified federal statutes" means the following
27 provisions of federal law:

28 (i) Section 504 of title V of the rehabilitation act of 1973,
29 29 USC 794.

1 (ii) The Americans with disabilities act of 1990, Public Law
2 101-336.