
HOUSE BILL 2944

State of Washington

64th Legislature

2016 Regular Session

By Representatives Scott, McCaslin, Magendanz, Walsh, and Muri

Read first time 01/29/16. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to children and psychotropic medication; amending
2 RCW 26.44.050; and adding a new section to chapter 28A.320 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
5 RCW to read as follows:

6 (1) Each school district board of directors shall adopt a policy
7 that prohibits school staff from denying any student access to
8 programs or services because the parent or guardian of the student
9 has refused to place the student on psychotropic medication.

10 (2) School staff shall not require a student to undergo
11 psychological screening unless the parent or guardian of that student
12 gives prior written consent before each instance of psychological
13 screening.

14 (3) Nothing in this section or RCW 26.44.050 may be construed to
15 create a prohibition against school staff from sharing a classroom-
16 based observation with a parent or guardian regarding:

17 (a) A student's academic and functional performance;

18 (b) A student's behavior in the classroom or school; or

19 (c) The need for evaluation for special education or related
20 services.

1 (4) As used in this section and RCW 26.44.050, "psychotropic
2 medication" means a drug that is not dispensed or administered
3 without a prescription and whose primary indication is for the
4 treatment of mental disorders.

5 **Sec. 2.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to
6 read as follows:

7 (1) Except as provided in RCW 26.44.030(11), upon the receipt of
8 a report concerning the possible occurrence of abuse or neglect, the
9 law enforcement agency or the department of social and health
10 services must investigate and provide the protective services section
11 with a report in accordance with chapter 74.13 RCW, and where
12 necessary to refer such report to the court.

13 (2) A law enforcement officer may take, or cause to be taken, a
14 child into custody without a court order if there is probable cause
15 to believe that the child is abused or neglected and that the child
16 would be injured or could not be taken into custody if it were
17 necessary to first obtain a court order pursuant to RCW 13.34.050.
18 The law enforcement agency or the department of social and health
19 services investigating such a report is hereby authorized to
20 photograph such a child for the purpose of providing documentary
21 evidence of the physical condition of the child.

22 (3) A child shall not be taken into custody solely on the grounds
23 that the child's parent or guardian refuses to consent to the
24 administration of a psychotropic medication to the child.

25 (4) The definition in section 1 of this act applies to this
26 section.

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