

SENATE BILL REPORT

SB 5448

As Passed Senate, March 8, 2017

Title: An act relating to no required psychotropic medication use for students.

Brief Description: Concerning no required psychotropic medication use for students.

Sponsors: Senators Rivers, Chase, Zeiger, Walsh, Miloscia, Fain, Warnick and Becker.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/31/17, 2/06/17 [DP].

Floor Activity:

Passed Senate: 3/08/17, 48-0.

Brief Summary of Bill

- Prohibits school staff from denying a student access to programs or services because the parent or guardian refuses to place a student on psychotropic medication.
- Prevents school staff from having a student undergo psychological screening unless the parent or guardian gives prior written consent.
- Prohibits a child being taken into custody solely on the grounds that the parent or guardian refuses to consent to the administration of psychotropic medication.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

Staff: Ailey Kato (786-7434)

Background: Psychotropic Medication. Current law requires the Health Care Authority (HCA) to review the psychotropic medications of all children under five and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to, obtaining second opinions from experts in child psychiatry.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HCA must track prescriptive practices with respect to psychotropic medications with the goal of reducing the use of medication.

Medication and Psychological Tests in Schools. Federal law and state regulation relating to special education provide that school district personnel are prohibited from requiring parents to obtain a prescription for substances identified in the federal Controlled Substances Act for a student as a condition of attending school, receiving an evaluation, or receiving special education services. Current state law allows the administration of medication in public and private schools when certain conditions are met. Private schools have the right to require written consent of parents or guardians before administering any psychological test or conducting any type of group therapy.

Taking a Child into Custody. Upon the receipt of a report concerning the possible occurrence of abuse or neglect, the law enforcement agency or the Department of Social and Health Services must investigate and provide the protective services section with a report and, when necessary, to refer such report to the court. Current law allows a law enforcement officer to take a child into custody without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order.

Summary of Bill: Psychotropic Medication. This term is defined as a drug that is not dispensed or administered without a prescription and whose primary indication is for the treatment of mental disorders.

School District Policy. Each school district board of directors must adopt a policy that prohibits school staff from denying any student access to programs or services because the parent or guardian of the student has refused to place the student on psychotropic medication.

School staff must not require a student to undergo psychological screening unless the parent or guardian of that student gives prior written consent before each instance of psychological screening.

Nothing may be construed to create a prohibition against school staff from sharing a classroom-based observation with a parent or guardian regarding:

- a student's academic and functional performance;
- a student's behavior in the classroom or school; or
- the need for evaluation for special education or related services.

Taking a Child into Custody. A child must not be taken into custody solely on the grounds that the child's parent or guardian refuses to consent to the administration of a psychotropic medication to the child.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: In general, children are being over diagnosed and overmedicated, and this is happening through screenings at school. High numbers of children are diagnosed with ADHD and are taking a psychotropic or stimulant medication. Many of these children are not getting any behavioral therapy. Children can be misdiagnosed and take unnecessary medication, which can lead to serious side effects. This bill puts some protections in place and restores some options for families.

Persons Testifying: PRO: Denice Barnes, Parent; Dr. Linda Lagemann, Citizens Commission on Human Rights.

Persons Signed In To Testify But Not Testifying: No one.