Common Sense in Medicating Students Act

Summary

This act prohibits any school personnel from recommending the use of psychotropic drugs for any child and protects parents or guardians who refuse to administer psychotropic drugs to their child from having said child taken into custody by the state or local department of child services unless such refusal causes the child to be neglected or abused as defined by state code.

Model Bill

SECTION 1. {Short Title} This act shall be cited as The Common Sense in Medicating Students Act.

SECTION 2. {School Personnel Prohibition} Each local and regional board of education shall adopt and implement policies prohibiting any school personnel from recommending the use of psychotropic drugs for any child. The provisions of this section shall not prohibit school medical staff from recommending that a child be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner with the consent of the parents or guardian of such child.

SECTION 3. {Parental and Guardian Protection} The refusal of a parent or guardian having control of a child to administer or consent to the administration of any psychotropic drug to such child shall not, in and of itself, constitute grounds for the {enter name of Department of Child Services or appropriate state or local agency} to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the department, unless such refusal causes such child to be neglected or abused, as defined in {enter appropriate state code}.

SECTION 4. {Severability clause.}

SECTION 5. {Repealer clause.}

SECTION 6. {Effective date.}


Related Files

The Common Sense in Medicating Students Act (Microsoft Word Document)

From CMD: This "model" legislation prohibits any school personnel from "recommending" the use of psychotropic drugs for any child to his or her parents, even if the school has psychiatric or medical staff experienced in making such assessments or recommendations. It also bars the government from taking custody of a child whose parents refuse to administer psychotropic drugs, unless such refusal constitutes neglect or abuse under state law. Basically, this proposed law would prevent school counselors, nurses, psychologists or other medical or expert staff from even making a non-binding recommendation of such medication as part of a special education or other assessment of a child believed to be suffering from hyperactivity, attention deficit disorder, depression, or other severe behavioral problems.