

CHAPTER 387

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 03-1172

BY REPRESENTATIVE(S) Clapp, Crane, Hefley, Lee, Lundberg, Rhodes, Spradley, White, Brophy, Fairbank, Frangas, Hall, Harvey, Jahn, Rose, Schultheis, Stafford, and Williams T.;
also SENATOR(S) Dyer, Andrews, Arnold, Cairns, Evans, Hillman, Jones, Lamborn, May R., and Tupa.

AN ACT

CONCERNING SCHOOL BOARD POLICIES COVERING WHEN PERSONNEL MAY ADDRESS HEALTH CARE TREATMENT FOR STUDENT BEHAVIOR ISSUES.

*Be it enacted by the General Assembly of the **State of Colorado**:*

SECTION 1. 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-32-109. Board of education - specific duties - repeal. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(ee) TO ADOPT A POLICY TO **PROHIBIT SCHOOL PERSONNEL FROM RECOMMENDING OR REQUIRING THE USE OF A PSYCHOTROPIC DRUG FOR ANY STUDENT. SCHOOL PERSONNEL SHALL NOT TEST OR REQUIRE A TEST FOR A CHILD'S BEHAVIOR WITHOUT PRIOR WRITTEN PERMISSION FROM THE PARENTS OR GUARDIANS OR THE CHILD AND PRIOR WRITTEN DISCLOSURE AS TO THE DISPOSITION OF THE RESULTS OR THE TESTING THEREFROM.** THROUGH SUCH POLICY, SCHOOL PERSONNEL SHOULD BE ENCOURAGED TO DISCUSS CONCERNS ABOUT A CHILD'S BEHAVIOR WITH THE PARENT OR LEGAL GUARDIAN OF SUCH CHILD AND SUCH DISCUSSIONS MAY INCLUDE A SUGGESTION BY SCHOOL PERSONNEL THAT THE PARENT OR LEGAL GUARDIAN SPEAK WITH AN APPROPRIATE HEALTH CARE PROFESSIONAL.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2003

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.