

SENATE BILL NO. 230

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR DAVIS

Introduced: 1/14/02

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to recommending or refusing psychotropic drugs as a treatment for**
2 **children and to the evaluation and treatment of children with behavioral or**
3 **psychological problems."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 14.33.120(a) is amended to read:

6 (a) Each governing body shall adopt a written school disciplinary and safety
7 program. The program required under this subsection must include written

8 (1) standards for student behavior and safety that reflect community
9 standards and that include, at a minimum, basic requirements for respect and honesty;
10 standards required under this paragraph must be developed and periodically reviewed
11 with the collaboration of members of each school, parents, teachers, and other persons
12 responsible for the students at a school; a governing body may require that standards
13 developed under this paragraph be consistent for all schools in an attendance area or
14 the district;

1 (2) standards relating to when a teacher is authorized to remove a
2 student from the classroom for

3 (A) failure to follow student behavior and safety standards; or

4 (B) behavior described under AS 14.30.045(1) or (2);

5 (3) procedures for notifying teachers of dangerous students consistent
6 with AS 47.12.310(b);

7 (4) standards relating to when a teacher, teacher's assistant, or other
8 person responsible for students is authorized to use reasonable and appropriate force to
9 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

10 (5) policies necessary to comply with provisions of state and federal
11 law, including 20 U.S.C. 1400 - 1485 (Individuals with Disabilities Education Act);

12 (6) standards to address needs of students for whom mental health or
13 substance abuse may be a contributing factor to noncompliance with the school
14 disciplinary and safety program;

15 (7) policies for implementing a student conflict resolution strategy,
16 including the nonviolent resolution or mediation of conflicts and procedures for
17 reporting and resolving conflicts;

18 (8) procedures for periodic review and revision of the school
19 disciplinary and safety program;

20 **(9) policies prohibiting school personnel from recommending the**
21 **use of psychotropic drugs for a student and requiring that, if school personnel**
22 **perceive that a student may have a behavioral or psychological problem, a letter**
23 **be sent to the parent or other person having care and custody of the child**
24 **recommending that an appropriate medical or behavioral health evaluation be**
25 **conducted by a licensed physician.**

26 * **Sec. 2.** AS 47.10.019 is amended to read:

27 **Sec. 47.10.019. Limitations on determinations.** **(a)** Notwithstanding other
28 provisions of this chapter, the court may not find a minor to be a child in need of aid
29 under this chapter solely on the basis that the child's family is poor, lacks adequate
30 housing, or exhibits a lifestyle that is different from the generally accepted lifestyle
31 standard of the community where the family lives. However, this **subsection**

1 [SECTION] may not be construed to prevent a court from finding that a child is in
2 need of aid if the child has been subjected to conduct or conditions described in
3 AS 47.10.011 - 47.10.015.

4 * **Sec. 3.** AS 47.10.019 is amended by adding a new subsection to read:

5 (b) Notwithstanding other provisions of this chapter, a court may not find a
6 minor to be a child in need of aid and the department may not take custody of a child,
7 including emergency custody, solely based on an allegation or finding that the child's
8 parent or other person having the care and custody of the child has refused to
9 administer or consent to the administration of a psychotropic drug to the child.