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**HOUSE BILL 1788**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Hargrove, Muri, McCaslin, and Volz

AN ACT Relating to no required psychotropic medication use for students; amending RCW 26.44.050; and adding a new section to chapter 28A.320 RCW.

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

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

(1) Each school district board of directors shall 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.

(2) School staff shall 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.

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

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

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

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

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

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

(1) Except as provided in RCW 26.44.030(11), 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 in accordance with chapter 74.13 RCW, and where necessary to refer such report to the court.

(2) A law enforcement officer may take, or cause to be taken, 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 pursuant to RCW 13.34.050. The law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child.

(3) A child shall 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.

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

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