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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

1 AN ACT Relating to no required psychotropic medication use for  
2 students; amending RCW 26.44.050; and adding a new section to chapter  
3 28A.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 (1) Each school district board of directors shall adopt a policy  
8 that prohibits school staff from denying any student access to  
9 programs or services because the parent or guardian of the student  
10 has refused to place the student on psychotropic medication.

11 (2) School staff shall not require a student to undergo  
12 psychological screening unless the parent or guardian of that student  
13 gives prior written consent before each instance of psychological  
14 screening.

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

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

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

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

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

5 **Sec. 2.** RCW 26.44.050 and 2012 c 259 s 5 are each amended to  
6 read as follows:

7 (1) Except as provided in RCW 26.44.030(11), upon the receipt of  
8 a report concerning the possible occurrence of abuse or neglect, the  
9 law enforcement agency or the department of social and health  
10 services must investigate and provide the protective services section  
11 with a report in accordance with chapter 74.13 RCW, and where  
12 necessary to refer such report to the court.

13 (2) A law enforcement officer may take, or cause to be taken, a  
14 child into custody without a court order if there is probable cause  
15 to believe that the child is abused or neglected and that the child  
16 would be injured or could not be taken into custody if it were  
17 necessary to first obtain a court order pursuant to RCW 13.34.050.  
18 The law enforcement agency or the department of social and health  
19 services investigating such a report is hereby authorized to  
20 photograph such a child for the purpose of providing documentary  
21 evidence of the physical condition of the child.

22 (3) A child shall not be taken into custody solely on the grounds  
23 that the child's parent or guardian refuses to consent to the  
24 administration of a psychotropic medication to the child.

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

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