

SUBSTITUTE FOR
SENATE BILL NO. 827

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 1180 and 1181.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1180. (1) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC
2 SCHOOL, OR HIS OR HER DESIGNEE, WHO RECEIVES A COPY OF A DO-NOT-
3 RESUSCITATE ORDER EXECUTED UNDER SECTION 3A OR 3B OF THE MICHIGAN
4 DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL 333.1053A AND
5 333.1053B, FROM A GUARDIAN OR PARENT OF A PUPIL SHALL ENSURE THAT
6 ALL OF THE FOLLOWING ARE MET:

7 (A) THE DO-NOT-RESUSCITATE ORDER MUST BE PLACED IN THE PUPIL'S
8 SCHOOL FILE AND IN A FILE CREATED SPECIFICALLY FOR A DO-NOT-
9 RESUSCITATE ORDER THAT IS STORED IN ALL OF THE SAME LOCATIONS IN
10 WHICH AN INDIVIDUALIZED EDUCATION PROGRAM IS STORED, REGARDLESS OF

1 WHETHER THE ORDER PERTAINS TO A PUPIL WITH AN INDIVIDUALIZED
2 EDUCATION PROGRAM.

3 (B) ALL PARTIES THAT RECEIVE NOTICE OF AN INDIVIDUALIZED
4 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A DO-NOT-RESUSCITATE ORDER
5 FOR A PUPIL WITH OR WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM.

6 (C) IF THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, RECEIVED A
7 DO-NOT-RESUSCITATE ORDER FOR A PUPIL DURING THE IMMEDIATELY
8 PRECEDING SCHOOL YEAR, THE ADMINISTRATOR, OR HIS OR HER DESIGNEE,
9 SHALL INQUIRE OF THE PUPIL'S PARENT OR GUARDIAN AT THE BEGINNING OF
10 THE SCHOOL YEAR TO DETERMINE IF THE ORDER IS STILL IN EFFECT.

11 (D) THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, SHALL MAKE THE
12 DO-NOT-RESUSCITATE ORDER AVAILABLE TO EACH TEACHER OR OTHER SCHOOL
13 EMPLOYEE WHO PROVIDES INSTRUCTIONAL OR NONINSTRUCTIONAL SERVICES
14 DIRECTLY TO THE PUPIL.

15 (2) ALL PARTIES ENTITLED TO NOTICE OF AN INDIVIDUALIZED
16 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A REVOCATION OF A DO-NOT-
17 RESUSCITATE ORDER, REGARDLESS OF WHETHER THE REVOCATION PERTAINS TO
18 A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM.

19 (3) A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE
20 DESIGNATED BY THE SCHOOL ADMINISTRATOR, WHO IN GOOD FAITH
21 ADMINISTERS A COMFORT CARE MEASURE TO A PUPIL, OR REFUSES TO
22 PERFORM RESUSCITATION ON A PUPIL IN COMPLIANCE WITH A DO-NOT-
23 RESUSCITATE ORDER, IN AN EMERGENCY THAT THREATENS THE LIFE OR
24 HEALTH OF THE PUPIL IS NOT LIABLE IN A CRIMINAL ACTION OR FOR CIVIL
25 DAMAGES AS A RESULT OF AN ACT OR OMISSION IN THE ADMINISTRATION OF
26 THE COMFORT CARE MEASURE, OR THE REFUSAL TO PERFORM RESUSCITATION,
27 EXCEPT FOR AN ACT OR OMISSION AMOUNTING TO GROSS NEGLIGENCE OR

1 WILLFUL AND WANTON MISCONDUCT.

2 (4) AN INDIVIDUAL SHALL COMPLY WITH SECTION 11(3) OF THE
3 MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL
4 333.1061.

5 (5) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC
6 SCHOOL ACADEMY, NONPUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD, OR
7 DIRECTOR OR OFFICER OF A PUBLIC SCHOOL ACADEMY OR NONPUBLIC SCHOOL
8 IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH, OR
9 LOSS TO AN INDIVIDUAL OR PROPERTY ALLEGEDLY ARISING FROM AN
10 INDIVIDUAL ACTING UNDER THIS SECTION.

11 (6) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO
12 AN INDIVIDUALIZED EDUCATION PROGRAM.

13 (7) AS USED IN THIS SECTION:

14 (A) "COMFORT CARE MEASURE" MEANS A TREATMENT DESIGNED BY THE
15 PHYSICIAN ISSUING A DO-NOT-RESUSCITATE ORDER FOR A PUPIL TO ENSURE
16 THE PUPIL'S MENTAL AND PHYSICAL COMFORT IN CIRCUMSTANCES IN WHICH
17 RESUSCITATION IS NOT ATTEMPTED. COMFORT CARE MEASURE DOES NOT
18 INCLUDE THE ROUTINE PROVISION OF MEDICATIONS, TREATMENT, OR
19 PROCEDURES.

20 (B) "DO-NOT-RESUSCITATE ORDER" OR "ORDER" MEANS THAT TERM AS
21 DEFINED IN SECTION 2 OF THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE
22 ACT, 1996 PA 193, MCL 333.1052.

23 (C) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS
24 DEFINED IN SECTION 1704.

25 SEC. 1181. (1) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC
26 SCHOOL, OR HIS OR HER DESIGNEE, WHO RECEIVES A COPY OF A POST FORM
27 FROM A PARENT OR GUARDIAN OF A PUPIL SHALL ENSURE THAT ALL OF THE

1 FOLLOWING ARE MET:

2 (A) THE POST FORM MUST BE PLACED IN THE PUPIL'S SCHOOL FILE
3 AND IN A FILE CREATED SPECIFICALLY FOR A POST FORM THAT IS STORED
4 IN ALL OF THE SAME LOCATIONS IN WHICH AN INDIVIDUALIZED EDUCATION
5 PROGRAM IS STORED, REGARDLESS OF WHETHER THE FORM PERTAINS TO A
6 PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM.

7 (B) ALL PARTIES THAT RECEIVE NOTICE OF AN INDIVIDUALIZED
8 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A POST FORM FOR A PUPIL
9 WITH OR WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM.

10 (C) IF THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, RECEIVED A
11 POST FORM FOR A PUPIL DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR,
12 THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, SHALL INQUIRE OF THE
13 PUPIL'S PARENT OR LEGAL GUARDIAN AT THE BEGINNING OF THE SCHOOL
14 YEAR TO DETERMINE IF THE POST FORM IS STILL IN EFFECT AND SHALL
15 REQUEST AN UPDATED COPY OF THE FORM, IF APPLICABLE.

16 (D) THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, SHALL MAKE THE
17 POST FORM AVAILABLE TO EACH TEACHER OR OTHER SCHOOL EMPLOYEE WHO
18 PROVIDES INSTRUCTIONAL OR NONINSTRUCTIONAL SERVICES DIRECTLY TO THE
19 PUPIL.

20 (E) FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE
21 ADMINISTRATOR, OR HIS OR HER DESIGNEE, SHALL INQUIRE OF THE PUPIL'S
22 PARENT OR LEGAL GUARDIAN IF ANY CHANGES WERE MADE TO THE POST FORM
23 EACH TIME THE INDIVIDUALIZED EDUCATION PROGRAM IS UPDATED.

24 (2) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC SCHOOL, OR HIS
25 OR HER DESIGNEE, WHO RECEIVES ACTUAL NOTICE THAT A POST FORM
26 DESCRIBED IN SUBSECTION (1) HAS BEEN REVOKED SHALL IMMEDIATELY MAKE
27 THE REVOCATION PART OF THE PUPIL'S SCHOOL FILE AND PLACE THE

1 REVOCATION IN THE FILE CREATED UNDER SUBSECTION (1) (A). ALL PARTIES
2 ENTITLED TO NOTICE OF AN INDIVIDUALIZED EDUCATION PROGRAM MUST
3 RECEIVE NOTICE OF A REVOCATION OF A POST FORM, REGARDLESS OF
4 WHETHER THE REVOCATION PERTAINS TO A PUPIL WITH AN INDIVIDUALIZED
5 EDUCATION PROGRAM.

6 (3) A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE
7 DESIGNATED BY THE SCHOOL ADMINISTRATOR, WHO IN GOOD FAITH PROVIDES
8 MEDICAL TREATMENT TO A PUPIL THAT IS CONSISTENT WITH THE PUPIL'S
9 POST FORM IN AN EMERGENCY THAT THREATENS THE LIFE OR HEALTH OF THE
10 PUPIL, IS NOT LIABLE IN A CRIMINAL ACTION OR FOR CIVIL DAMAGES AS A
11 RESULT OF AN ACT OR OMISSION IN THE PROVISION OF THE MEDICAL
12 TREATMENT EXCEPT FOR AN ACT OR OMISSION AMOUNTING TO GROSS
13 NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.

14 (4) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC
15 SCHOOL ACADEMY, NONPUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD, OR
16 DIRECTOR OR OFFICER OF A PUBLIC SCHOOL ACADEMY OR NONPUBLIC SCHOOL
17 IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH, OR
18 LOSS TO AN INDIVIDUAL OR PROPERTY ALLEGEDLY ARISING FROM AN
19 INDIVIDUAL ACTING UNDER THIS SECTION.

20 (5) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO
21 AN INDIVIDUALIZED EDUCATION PROGRAM.

22 (6) AS USED IN THIS SECTION:

23 (A) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS
24 DEFINED IN SECTION 1704.

25 (B) "POST FORM" MEANS THAT TERM AS DEFINED IN SECTION 5674 OF
26 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5674.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No. 784 of the 99th Legislature is enacted into
4 law.