

# SENATE BILL No. 827

February 15, 2018, Introduced by Senators JONES and WARREN and referred to the Committee on Judiciary.

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 PARENT OR GUARDIAN OF A PUPIL SHALL ENSURE THAT**  
6           **BOTH OF THE FOLLOWING ARE MET:**

7           **(A) FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE**  
8           **DO-NOT-RESUSCITATE ORDER MUST BE MADE A PART OF THE PUPIL'S**

1 INDIVIDUALIZED EDUCATION PROGRAM IN THE SAME MANNER AS OTHER  
2 MEDICAL INFORMATION REGARDING THE PUPIL.

3 (B) FOR A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM,  
4 BOTH OF THE FOLLOWING:

5 (i) THE DO-NOT-RESUSCITATE ORDER MUST BE PLACED IN A FILE  
6 CREATED SPECIFICALLY FOR A DO-NOT-RESUSCITATE ORDER AND THAT FILE  
7 MUST BE STORED IN ALL OF THE SAME LOCATIONS IN WHICH AN  
8 INDIVIDUALIZED EDUCATION PROGRAM IS STORED.

9 (ii) ALL PARTIES THAT RECEIVE NOTICE OF AN INDIVIDUALIZED  
10 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A DO-NOT-RESUSCITATE ORDER  
11 FOR A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM.

12 (2) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC SCHOOL, OR HIS  
13 OR HER DESIGNEE, WHO RECEIVES ACTUAL NOTICE THAT AN ORDER DESCRIBED  
14 IN SUBSECTION (1) HAS BEEN REVOKED UNDER SECTION 10 OF THE MICHIGAN  
15 DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL 333.1060, SHALL  
16 IMMEDIATELY MAKE THE REVOCATION PART OF THE PUPIL'S INDIVIDUALIZED  
17 EDUCATION PROGRAM IN THE SAME MANNER AS OTHER MEDICAL INFORMATION  
18 REGARDING THE PUPIL OR PLACE THE REVOCATION IN THE FILE CREATED  
19 UNDER SUBSECTION (1) (B) (i), AS APPLICABLE. ALL PARTIES ENTITLED TO  
20 NOTICE OF AN INDIVIDUALIZED EDUCATION PROGRAM MUST RECEIVE NOTICE  
21 OF A REVOCATION OF A DO-NOT-RESUSCITATE ORDER, REGARDLESS OF  
22 WHETHER THE REVOCATION PERTAINS TO A PUPIL WITH AN INDIVIDUALIZED  
23 EDUCATION PROGRAM.

24 (3) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO  
25 AN INDIVIDUALIZED EDUCATION PROGRAM.

26 (4) AS USED IN THIS SECTION:

27 (A) "DO-NOT-RESUSCITATE ORDER" OR "ORDER" MEANS THAT TERM AS

1 DEFINED IN SECTION 2 OF THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE  
2 ACT, 1996 PA 193, MCL 333.1052.

3 (B) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS  
4 DEFINED IN SECTION 1704.

5 SEC. 1181. (1) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC  
6 SCHOOL, OR HIS OR HER DESIGNEE, WHO RECEIVES A COPY OF A COMFORT OR  
7 CARE PLAN FROM A PARENT OR GUARDIAN OF A PUPIL SHALL ENSURE THAT  
8 BOTH OF THE FOLLOWING ARE MET:

9 (A) FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE  
10 COMFORT OR CARE PLAN MUST BE MADE A PART OF THE PUPIL'S  
11 INDIVIDUALIZED EDUCATION PROGRAM IN THE SAME MANNER AS OTHER  
12 MEDICAL INFORMATION REGARDING THE PUPIL.

13 (B) FOR A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM,  
14 BOTH OF THE FOLLOWING:

15 (i) THE COMFORT OR CARE PLAN MUST BE PLACED IN A FILE CREATED  
16 SPECIFICALLY FOR A COMFORT OR CARE PLAN AND THAT FILE MUST BE  
17 STORED IN ALL OF THE SAME LOCATIONS IN WHICH AN INDIVIDUALIZED  
18 EDUCATION PROGRAM IS STORED.

19 (ii) ALL PARTIES THAT RECEIVE NOTICE OF AN INDIVIDUALIZED  
20 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A COMFORT OR CARE PLAN FOR  
21 A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM.

22 (2) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC SCHOOL, OR HIS  
23 OR HER DESIGNEE, WHO RECEIVES ACTUAL NOTICE THAT A COMFORT OR CARE  
24 PLAN DESCRIBED IN SUBSECTION (1) HAS BEEN REVOKED SHALL IMMEDIATELY  
25 MAKE THE REVOCATION PART OF THE PUPIL'S INDIVIDUALIZED EDUCATION  
26 PROGRAM IN THE SAME MANNER AS OTHER MEDICAL INFORMATION REGARDING  
27 THE PUPIL OR PLACE THE REVOCATION IN THE FILE CREATED UNDER

1 SUBSECTION (1) (B) (i), AS APPLICABLE. ALL PARTIES ENTITLED TO NOTICE  
2 OF AN INDIVIDUALIZED EDUCATION PROGRAM MUST RECEIVE NOTICE OF A  
3 REVOCATION OF A COMFORT OR CARE PLAN, REGARDLESS OF WHETHER THE  
4 REVOCATION PERTAINS TO A PUPIL WITH AN INDIVIDUALIZED EDUCATION  
5 PROGRAM.

6 (3) SUBJECT TO SUBSECTION (4), A SCHOOL ADMINISTRATOR,  
7 TEACHER, OR OTHER SCHOOL EMPLOYEE DESIGNATED BY THE SCHOOL  
8 ADMINISTRATOR, WHO IN GOOD FAITH ADMINISTERS A COMFORT OR CARE  
9 MEASURE TO A PUPIL IN THE PRESENCE OF ANOTHER ADULT OR IN AN  
10 EMERGENCY THAT THREATENS THE LIFE OR HEALTH OF THE PUPIL, IN  
11 COMPLIANCE WITH THE PUPIL'S COMFORT OR CARE PLAN, IS NOT LIABLE IN  
12 A CRIMINAL ACTION OR FOR CIVIL DAMAGES AS A RESULT OF AN ACT OR  
13 OMISSION IN THE ADMINISTRATION OF THE COMFORT OR CARE MEASURE  
14 EXCEPT FOR AN ACT OR OMISSION AMOUNTING TO GROSS NEGLIGENCE OR  
15 WILLFUL AND WANTON MISCONDUCT.

16 (4) IF A SCHOOL EMPLOYEE IS A LICENSED REGISTERED PROFESSIONAL  
17 NURSE, SUBSECTION (3) APPLIES TO THAT SCHOOL EMPLOYEE REGARDLESS OF  
18 WHETHER THE COMFORT OR CARE MEASURE IS ADMINISTERED IN THE PRESENCE  
19 OF ANOTHER ADULT.

20 (5) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, NONPUBLIC  
21 SCHOOL, MEMBER OF A SCHOOL BOARD, OR DIRECTOR OR OFFICER OF A  
22 PUBLIC SCHOOL ACADEMY OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES  
23 IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS TO AN INDIVIDUAL OR  
24 PROPERTY ALLEGEDLY ARISING FROM AN INDIVIDUAL ACTING UNDER THIS  
25 SECTION.

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

1 (7) AS USED IN THIS SECTION:

2 (A) "COMFORT OR CARE MEASURE" MEANS TREATMENT OF A PUPIL TO  
3 ENSURE THE PUPIL'S MENTAL OR PHYSICAL COMFORT. COMFORT OR CARE  
4 MEASURE DOES NOT INCLUDE TREATMENT THAT ATTEMPTS TO PROLONG A  
5 PUPIL'S LIFE.

6 (B) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS  
7 DEFINED IN SECTION 1704.

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.

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