

HOUSE BILL NO. 5044

September 24, 2025, Introduced by Reps. Wendzel, Schmaltz, Rigas, Steckloff, Fitzgerald, Breen and Aragona and referred to Committee on Education and Workforce.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1178b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1178b. (1) Subject to subsection (2), by not later than
2 July 1, 2026, the board of a school district or intermediate school
3 district or board of directors of a public school academy shall
4 develop and adopt a policy that allows a student who is enrolled in
5 the school district, intermediate school district, or public school

1 academy and who has a prescription, recommendation, or order from a
2 private health care specialist for medically necessary treatment to
3 receive the treatment when the student is in a school setting in
4 compliance with other applicable state laws and federal laws,
5 including, but not limited to, the specified federal statutes. The
6 policy must address how a student described in this subsection
7 receives medically necessary treatment when the student is in a
8 school setting in compliance with other applicable state laws and
9 federal laws, including, but not limited to, the specified federal
10 statutes. Each school operated by a school district, an
11 intermediate school district, or a public school academy shall
12 immediately implement the policy that is developed and adopted by
13 the board of the school district or intermediate school district or
14 board of directors of the public school academy under this
15 subsection.

16 (2) The policy described in subsection (1) must, at a minimum,
17 do at least all of the following:

18 (a) Include a requirement that the parent or legal guardian of
19 each student enrolled in the school district, intermediate school
20 district, or public school academy receive a notice that states
21 that the specified federal statutes provide rights and protections
22 to students to access medically necessary treatment required by the
23 student for the student to have meaningful access to the benefits
24 of a public education or to attend school without risks to the
25 student's health or safety due to the student's disabling medical
26 condition.

27 (b) Address the process through which a private health care
28 specialist may do any of the following as required under the
29 specified federal statutes:

1 (i) Observe the student in the school setting.

2 (ii) Collaborate with instructional personnel and other school
3 personnel as necessary to ensure the student receives medically
4 necessary treatment in the school setting.

5 (iii) Provide medically necessary treatment in the school
6 setting.

7 (c) Include a requirement that the parent or legal guardian of
8 each student enrolled in the school district, intermediate school
9 district, or public school academy receive a notice informing the
10 parent or legal guardian of any right under state law or federal
11 law to appeal the decision of the board or board of directors
12 concerning access to medically necessary treatment in the school
13 setting.

14 (d) Include a requirement that when a student or the student's
15 parent or legal guardian requests that the student receive access
16 to medically necessary treatment in a school setting, school
17 personnel designated by the principal or other chief administrator
18 of the student's school must meet with the student, the student's
19 parent or legal guardian, and any representatives or health care
20 personnel designated by the student or the student's parent or
21 legal guardian not later than 30 days after submission of the
22 request to determine how and when the requested medically necessary
23 treatment will be accommodated. The student's school must allow the
24 requested medically necessary treatment to be provided unless it
25 would impose a fundamental alteration or an undue burden on the
26 school under the specified federal statutes.

27 (3) The board of a school district or intermediate school
28 district or board of directors of a public school academy shall
29 make the policy described in subsection (1) publicly available on

1 its website and shall, on request, make the policy available to
2 each parent or legal guardian of a student who is enrolled in the
3 school district, intermediate school district, or public school
4 academy.

5 (4) Subject to the family educational rights and privacy act
6 of 1974, 20 USC 1232g, and the health insurance portability and
7 accountability act of 1996, Public Law 104-191, by not later than
8 July 1, 2027, and by not later than July 1 of each year thereafter,
9 the board of a school district or intermediate school district or
10 board of directors of a public school academy shall compile and
11 provide to the department the total number of requests for
12 medically necessary treatment in the school setting resulting from
13 a policy described in subsection (1) and whether each request was
14 approved or denied and, if denied, the rationale for the denial.

15 (5) Subject to the family educational rights and privacy act
16 of 1974, 20 USC 1232g, and the health insurance portability and
17 accountability act of 1996, Public Law 104-191, by not later than
18 January 1, 2027, and by not later than January 1 of each year
19 thereafter, the department shall make the information it receives
20 under subsection (4) available on the department's website and
21 shall report the information to the house and senate standing
22 committees on education.

23 (6) As used in this section:

24 (a) "Medically necessary treatment" means treatment,
25 including, but not limited to, a medical device or technology; a
26 person-implemented treatment, including, but not limited to,
27 applied behavior analysis; and other therapeutic interventions,
28 that meets both of the following:

29 (i) Is prescribed, recommended, or ordered by a private health

1 care specialist acting within the scope of the private health care
2 specialist's license, registration, or other state authority.

3 (ii) Is delivered in a manner that falls under the scope of
4 practice, licensure, and service delivery model for the treatment
5 identified by the private health care specialist for the purpose of
6 diagnosing, evaluating, treating, ameliorating, or remediating a
7 diagnosed medical condition, disorder, disease, illness, or
8 symptomology, including any mental health condition or disorder
9 recognized under state law or included in the American Psychiatric
10 Association Diagnostic and Statistical Manual of Mental Disorders
11 in effect at the time of diagnosis, including, but not limited to,
12 autism spectrum disorder.

13 (b) "Private health care specialist" means an individual
14 licensed, registered, or otherwise authorized to practice a health
15 profession under article 15 of the public health code, 1978 PA 368,
16 MCL 333.16101 to 333.18838, and acting within the scope of that
17 license, registration, or authorization. Private health care
18 specialist includes a behavior technician as that term is defined
19 in section 18251 of the public health code, 1978 PA 368, MCL
20 333.18251.

21 (c) "Specified federal statutes" means the following
22 provisions of federal law:

23 (i) Section 504 of title V of the rehabilitation act of 1973,
24 29 USC 794.

25 (ii) The Americans with disabilities act of 1990, Public Law
26 101-336.