

1                   A bill to be entitled  
 2           An act relating to exceptional student evaluation;  
 3           amending s. 1003.57, F.S.; requiring fully informed  
 4           consent by a parent prior to his or her child's evaluation  
 5           for an emotional, behavioral, or mental disorder, a  
 6           specific learning disability, or other health impairment;  
 7           specifying the contents of a statement that must be signed  
 8           by a parent and maintained in a student's school records;  
 9           including in the statement an understanding that an  
 10          evaluation may result in a diagnosis for which  
 11          psychotropic or psychiatric medications may be prescribed;  
 12          providing an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16           Section 1. Subsection (8) is added to section 1003.57,  
 17 Florida Statutes, to read:

18           1003.57 Exceptional students instruction;  
 19 evaluation.--Each district school board shall provide for an  
 20 appropriate program of special instruction, facilities, and  
 21 services for exceptional students as prescribed by the State  
 22 Board of Education as acceptable, including provisions that:

23           (8) Before a public school student may be evaluated for an  
 24 emotional, behavioral, or mental disorder, a specific learning  
 25 disability, or other health impairment, including psychological  
 26 or psychiatric evaluation, the parent of such student be fully  
 27 informed of all known and potential consequences of and  
 28 alternatives for such evaluation and acknowledge and sign the

29 following statement which must be maintained in the student's  
30 school records:

31  
32 I understand that my child has been referred to be  
33 evaluated for an emotional, behavioral, or mental  
34 disorder, a specific learning disability, or other health  
35 impairment, including psychological or psychiatric  
36 evaluation. The evaluation may result in the assignment of  
37 a diagnosis of "mental disorder" or "syndrome" as  
38 described in the formal text published by the American  
39 Psychiatric Association for the purpose of diagnosing and  
40 providing billing codes according to the Diagnostic and  
41 Statistical Manual of Mental Disorders Fourth Edition  
42 (DSM-IV). Such a diagnosis will be based on the variable  
43 observation and subjective interpretation of my child's  
44 behavior, intermittently reported by teachers,  
45 psychologists, psychiatrists, or others.

46  
47 I understand that physical problems such as poor  
48 nutrition, exposure to toxins, or structural disorders can  
49 cause emotional, behavioral, or mental symptoms and that I  
50 should provide for my child's complete and thorough  
51 medical examination, including, but not limited to, blood  
52 testing, to determine if my child has any objectively  
53 verifiable nutritional deficiency, allergy, metal  
54 toxicity, or physical disease or disorder which may be  
55 causing the symptoms and that anything so found should be  
56 medically treated.

57  
58 I understand that the State of Florida mandates screening  
59 of children for lead poisoning and that the Centers for  
60 Disease Control and Prevention, in a report entitled  
61 "Screening Young Children for Lead Poisoning: Guidance for  
62 State and Local Public Health Officials," determined that  
63 children with lead poisoning can present with seizures,  
64 other neurological symptoms, abdominal pain, developmental  
65 delay, attention deficit, hyperactivity, other behavioral  
66 disorders, school problems, hearing loss, or anemia.

67  
68 I understand that, unlike most medical diagnostic methods,  
69 a diagnosis of mental disorder or syndrome, including, but  
70 not limited to, attention deficit hyperactivity disorder  
71 (ADHD), bipolar disorder, and depression, is not based on  
72 any medical test, such as a brain scan, chemical imbalance  
73 test, X-ray, biopsy, blood test, or urinalysis, that can  
74 scientifically detect a physical abnormality in an infant,  
75 child, adolescent, or adult. As stated in the 1999 report  
76 entitled "Mental Health: A Report of the Surgeon General,"  
77 the diagnosis of mental disorders is often believed to be  
78 more difficult than diagnosis of somatic or general  
79 medical disorders since there is no definitive lesion,  
80 laboratory test, or abnormality in brain tissue that can  
81 identify the illness. And as stated in the DSM-IV that  
82 although this manual provides a classification of mental  
83 disorders, it must be admitted that no definition

84 adequately specifies precise boundaries for the concept of  
85 mental disorder.

86  
87 I understand that if my child is diagnosed or labeled with  
88 any mental disorder or syndrome listed in the DSM-IV,  
89 treatment is likely to include prescriptions for  
90 psychotropic or psychiatric medications, such as  
91 antidepressants or stimulants, which may have dangerous  
92 side effects and uncertain effectiveness. Most  
93 antidepressants are not approved by the U. S. Food and  
94 Drug Administration (FDA) for treatment of children though  
95 they are often prescribed by medical doctors. On October  
96 14, 2004, the FDA ordered the addition of a "black box"  
97 warning of suicide risk on the health professional  
98 labeling of all antidepressant medications prescribed to  
99 children under 18 years of age. On June 28, 2005, the FDA  
100 ordered labeling changes to methylphenidate (Ritalin)  
101 products to warn that these drugs can cause psychiatric  
102 events described as visual hallucinations, suicidal  
103 ideation, or psychotic behavior, as well as aggression or  
104 violent behavior. On July 1, 2005, an FDA panel  
105 recommended stronger labels for Concerta, another  
106 methylphenidate-based drug, to more clearly warn of the  
107 possibility of hallucinations, suicidal tendencies, or  
108 aggression in patients taking the drug. The amphetamine  
109 Adderall is the subject of an FDA health warning because  
110 of reports linking the drug to sudden deaths in children.  
111 On September 25, 2005, the FDA issued a warning that

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112 atomoxetine (Strattera) can cause suicidal thoughts in  
113 children.

114  
115 I understand that I have the right to be informed of all  
116 the known side effects of any recommended drug, including  
117 the current information listed on the drug in the  
118 Physicians' Desk Reference.

119  
120 I understand that I may request full information on the  
121 short-term and long-term benefits and risks of a drug, any  
122 interactions the drug has with other medications, how long  
123 my child will need to be taking the drug, and all of the  
124 up-to-date accumulation of FDA adverse reaction reports of  
125 the drug. I understand that psychotropic or psychiatric  
126 drugs are addictive and create dependency and that drug  
127 withdrawal can pose serious problems.

128  
129 I understand that there are alternatives to psychotropic  
130 or psychiatric drug treatment and that I should ask the  
131 evaluation personnel and my physician about such  
132 alternatives. I understand it is my responsibility to take  
133 the necessary time and trouble to fully research the  
134 relevant necessary information in order to make an  
135 informed decision on behalf of my child.

136  
137 I acknowledge that I have read and understood the above  
138 information and, based on my understanding, I hereby:

139

140                   (1) Give my full and informed consent for my child  
 141                   to undergo evaluation for an emotional, behavioral, or  
 142                   mental disorder, a specific learning disability, or other  
 143                   health impairment.

144  
 145                   ....(Signature of Parent)...

146  
 147                   (2) Do not give my consent for my child to undergo  
 148                   evaluation for an emotional, behavioral, or mental  
 149                   disorder, a specific learning disability, or other health  
 150                   impairment.

151  
 152                   ...(Signature of Parent)...

153  
 154                   Section 2. This act shall take effect July 1, 2006.