



STATE OF LOUISIANA  
DEPARTMENT OF EDUCATION  
POST OFFICE BOX 94064, BATON ROUGE, LOUISIANA 70804-9064  
<http://www.doe.state.la.us>

October 1, 2001

TO: Superintendents of Local Education Agencies  
State Director of SSD # 1 and 2  
Superintendents of BESE Schools  
Administrators of Type 2 Charter Schools

FROM: Cecil J. Picard  
State Superintendent of Education

RE: Diagnosing and Medicating Children K-12 in Louisiana Public Schools

It has come to my attention that some members of the public and legislators are concerned about educational personnel becoming inappropriately involved with medical decision making for students with disabilities. Specifically, concerns have arisen about teachers and other school personnel "recommending" that parents consider placing their child on medication. This communication is to clarify the role of LEA personnel in the identification of students who may have ADD/ADHD, learning disabilities, behavior problems or similar concerns.

No authority exists which would allow teachers and/or other school personnel in Louisiana to suggest or recommend to parents that their children be diagnosed with ADD, ADHD and/or similar disorders. Teachers and/or other school personnel are permitted to have students screened for suspected disabilities, and they may suggest to the student's parents that they may wish to consult a physician for a medical opinion regarding a child who is experiencing difficulty in school. It may be appropriate for school personnel to send a written report to the parent identifying the specific concerns about the child's behavior or educational issues. In that letter, school personnel may recommend that an appropriate medical evaluation be conducted by a licensed physician to determine any actual biologic or organic needs that might be addressed by proper medical/nutritional means to assist, pursuant to the requirements of IDEA. However, it appears that such information and suggestions have been made in a way that can be construed as the offering of an opinion by a teacher or other school staff that a child should take medication and/or that a child has a specific medical disorder.

State statutes governing medical practice strictly prohibit the prescribing of medication by anyone other than a medical practitioner properly licensed and authorized to prescribe medication. Furthermore, the federal Individuals with Disabilities Education Act (I.D.E.A) prohibits school personnel from making a decision about a child's educational services without the consent of the child's parent(s). School personnel must refrain from making statements that may be construed as offering medical advice, or making a medical decision, such as "Your child should be taking medication" or "I've seen many students like your child and based on that experience your child should be on medication." Pursuant to both the federal IDEA regulations and Louisiana's Bulletin 1706, school personnel must use standardized educational testing to determine whether a child needs educational assistance for any learning difficulties that sound and proven educational remedies are employed to address. If the assessment is not conducted under standardized conditions, the evaluation report must include a description of the extent to which it varied from standard conditions. Any evaluation made on a more casual basis violates the basic tenets of special education law. See R.S.17:1941-1958 (Education of Exceptional Children), *Louisiana's Pupil Appraisal Handbook* pages 76-79 and *Louisiana's IEP Handbook for Students with Disabilities*, pages 129-133. Behavior Issues to address these issues. Page 79 of *Louisiana's Manual Educating Students with ADHD/ADD* addresses these issues and provides guidance for school personnel.

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Superintendents of LEAs  
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Furthermore, the decision to place a child on medication is reserved to the family and must be made in consultation with licensed medical personnel. Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, a child cannot be discriminated against in school due to a disability or perceived disability. Thus, it is not lawful for school personnel to require that a child continue or initiate a course of taking medication as a condition for attending school. School personnel cannot require, suggest or imply that a student take medication as a condition for attending school. This decision is reserved to the family in consultation with appropriate medical personnel.

Should you have any questions about information contained in this advisory, or if you wish to request training for personnel in both general and special education in your school district regarding this issue, please do not hesitate to contact LaVonne Smith of my staff at the Department's toll-free number, 1(877) 453-2721.

CJP:VCB:lss

c: Rodney Watson  
Virginia Beridon  
SDE Division Directors  
Directors/Supervisors of Special Education  
Directors of Regional Service Centers  
Section 504/ Special Education Task Force  
Special Education Regional Coordinators, . . .  
School Principals  
School Nurses