

EDDIE BAZA CALVO
Governor

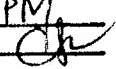



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

May 14, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12-1560
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 5/15/12
Time 4:04 PM
Received by 

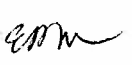
Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 202-31 (COR) entitled, "AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROTECTION OF MINORS' AND STUDENTS' RIGHTS", which I signed into law on May 9, 2012 as Public Law 31-202.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2012 MAY 16 AM 8:47


1560

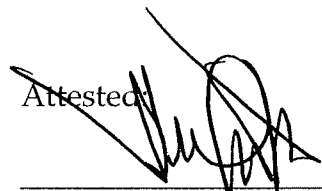
I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 202-31 (COR)**, "AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROTECTION OF MINORS' AND STUDENTS' RIGHTS", was on the 27th day of April, 2012, duly and regularly passed.

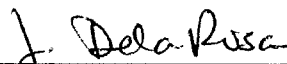


Judith T. Won Pat, Ed.D.
Speaker

Attested: 

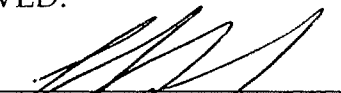
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 27th day of Apr, 2012, at 2:00 o'clock P.M.



J. Dela Rusa
Assistant Staff Officer
Maga'laha's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan
MAY 09 2012

Date: _____

Public Law No. 31-202

1 **§ 6700. Legislative Findings and Intent.** *I Liheslaturan*

2 *Guåhan* finds that:

3 (a) The use of educational settings to screen children and
4 adolescents for “mental disorders” has led to parents not being given
5 sufficient information about the purpose of such screenings and the
6 ramifications if they consent, such as psychological or psychiatric treatment
7 for their child and family, thereby violating the recognized requirements and
8 standards regarding “full informed consent”.

9 (b) Frequently, a system of “passive consent” is used whereby
10 “consent” is considered provided when the parent *does not* return the
11 consent form. The onus is, therefore, on the child/adolescent to transmit the
12 consent form to the parent, and on the parent ensuring that if consent is not
13 given, the form is signed and returned. However, the onus should rest on
14 both the school and the mental health professional or agency seeking to
15 conduct the screening, with criminal penalties if consent is not obtained in
16 writing and the child is subjected to non-consensual screening.

17 (c) “Passive consent” or other consent forms often:

18 (1) mislead parents into thinking that what is taking place at
19 the school is just a health evaluation for their child, not a psychiatric
20 evaluation;

21 (2) *do not* include information about the personal and
22 invasive questions their child will be asked;

23 (3) *do not* contain information on the difference between
24 “emotional health concerns”, mental disorders, or physical diseases,
25 the latter of which can be physically tested for and the former cannot;
26 and

1 (4) leave the parent with so little information that he or she
2 cannot make a proper informed decision to give valid informed
3 consent.

4 (d) Parents also are *not* informed that mental health screenings for
5 “mental disorders” are based on those defined in the *Diagnostic and*
6 *Statistical Manual of Mental Disorders* (DSM). However, in the
7 introduction of the DSM-IV it states, “Moreover, although this manual
8 provides a classification of mental disorders, it must be admitted that no
9 definition adequately specifies precise boundaries for the concept of ‘mental
10 disorder’ ”. Further, “...the term ‘mental’ disorders...persists in the title of
11 DSM-IV because we have not found an appropriate substitute”.

12 (e) Unlike scientific methods to determine physical diseases like
13 cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or
14 “syndrome” is *not* based on any medical test, such as a brain scan, a
15 ‘chemical imbalance’ test, x-ray or blood test. The former U.S. Surgeon
16 General, in his 1999 Report on Mental Health, which became a reference for
17 many countries, stated, “The diagnosis of mental disorders is often believed
18 to be more difficult than diagnosis of medical disorders since there is no
19 definitive lesion, laboratory test or abnormality in brain tissue that can
20 identify the illness.

21 (f) Harvard Medical School’s Dr. Joseph Glenmullen warns that
22 the checklist rating scales used to screen people for conditions, such as
23 “depression”, are “designed to fit hand-in-glove with the effects of drugs,
24 emphasizing the physical symptoms of depression that most respond to
25 antidepressant medication...While assigning a number to a patient’s
26 depression may look scientific, when one examines the questions asked and

1 the scales used, they are utterly subjective measures”. He says, “The
2 symptoms are subjective emotional states, making the diagnosis extremely
3 vague”.

4 (g) Based on the subjective nature of the mental health diagnostic
5 system and mental health screenings, millions of children are prescribed
6 antidepressants or stimulants recognized by leading drug regulatory
7 agencies as causing suicidal behavior, suicide, violence, hostility and, in the
8 case of stimulants, the potential for strokes and heart attacks. In October
9 2004, the U.S. Food and Drug Administration (FDA) required a “black box”
10 warning of suicide risks for all antidepressants prescribed to those under
11 eighteen (18) years old. In August 2005, The Commission of the European
12 Communities that represents twenty-five (25) countries issued the strongest
13 warning yet against child antidepressant use, warning of the drug’s potential
14 to cause suicide attempts and suicidal ideation, aggression, hostility
15 (predominantly aggression, oppositional behavior and anger), and/or related
16 behavior. According to the U.S. Drug Enforcement Administration, the
17 stimulant drugs being prescribed to children are scheduled as abusive as
18 opium, morphine and cocaine. In February 2006, an FDA Advisory
19 Committee recommended a “black box” warning for stimulants, stating that
20 they can cause heart attacks, strokes, and even death.

21 (h) As such, Guam’s parents, without explicit protection, will be
22 unable to give informed consent about whether they want their child to
23 participate in such screening.

24 It is the intent of *I Liheslatura* to prohibit the Guam Department of
25 Education from conducting any mental health screening on school children
26 without the informed consent of parents.

1 **§ 6701. Informed Consent Required for Mental Health**
2 **Screening of Students.** The Guam Department of Education *shall*:

3 (a) prohibit the use of schools for any mental health or
4 psychological screening or testing of any student, whether a non-
5 emancipated minor or emancipated minor, without the express written
6 consent of the parent or guardian;

7 (b) the consent form must be in a clear and legible form and in
8 compliance with any local or federal regulation, in the primary language of
9 the parent, *not less than* forty-five (45) days in advance of any such
10 screening; and

11 (c) the consent form must be signed by the parent or legally
12 appointed guardian of each minor.

13 **§ 6702. Contents of Informed Consent Form.** The consent form
14 must include the following information:

15 TO: (parent or guardian)
16 FROM: (school or organization)

17 [Particulars regarding name of screening program, where and when it will take
18 place]

19 **FULL INFORMED CONSENT FOR MENTAL HEALTH OR**
20 **PSYCHOLOGICAL SCREENING**

21 Mental health or psychological screening methods for children and adolescents
22 vary from state to state, but may involve a self-administered computer interview or
23 survey to determine how a student feels emotionally (anxious or worried, sad or
24 depressed) or to judge his or her behavior at the present time or in the past. These

1 questions can cover thoughts or feelings your child has had or thoughts and
2 feelings your child thinks you may have had or currently have about him or her.

3
4 An outcome could be you are asked to take your child for a follow-up interview or
5 evaluation to determine if he or she has a mental disorder or syndrome. Based on
6 an evaluation of your child's answers, he or she may be diagnosed with a "mental"
7 or "psychiatric disorder". These diagnoses have to be made by a psychologist,
8 psychiatrist or medical doctor, but the subjectivity of this diagnostic process
9 makes it a risk.

10 Questionnaires or tests are frequently based on symptoms outlined in the
11 *Diagnostic and Statistical Manual of Mental Disorders (DSM)* or the mental
12 disorders section of the *International Classification of Diseases (ICD)*. The
13 psychologist, psychiatrist and medical doctor often depend upon these diagnoses
14 in order to bill private or government insurance.

15 The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent and
16 whether or not these constitute a mental disorder are based on the opinion only of
17 the person making the diagnosis. Unlike methods to determine physical diseases
18 like cancer, diabetes or tuberculosis, a diagnosis of "mental disorder" or
19 "syndrome" cannot be determined by any physical, medical test, such as a brain
20 scan, a "chemical imbalance" test, X-ray or blood test.

21 Mental health screening could be presented to you as a means of preventing
22 suicide. However, there is no scientific evidence to substantiate this at this time.
23 The U.S. Preventive Services Task Force (USPSTF) studied this and

1 recommended against screening for suicide in 2004, saying that it “found no
2 evidence that screening for suicide risk reduces suicide attempts or mortality”.

3 Commonly psychiatric drugs prescribed to treat mental disorders can have very
4 serious effects on some children. In 2005, the European Committee for Medicinal
5 Products for Human Use (CHMP), which includes members from 25 European
6 Member States determined that antidepressants should not be prescribed to those
7 under 18 years old because they can produce suicidal behavior, including suicide
8 attempts and thinking about suicide and/or related behavior like self-harm,
9 hostility or mood changes.

10 The U.S. Food and Drug Administration ordered that a “black box”, its highest
11 level of drug warning, be placed on antidepressant packaging advising that the
12 drugs can induce suicide in children and teens. The FDA also has issued concerns
13 that stimulant drugs prescribed to children may cause “psychiatric events,”
14 described as “visual hallucinations, suicidal ideation, psychotic behavior, as well
15 as aggression or violent behavior”.

16 Before consenting to any such screening or survey, the educational facility must
17 provide a manual and other published information which fully describes:

- 18 (a) The nature and purpose of the screening/test or questionnaire.
- 19 (b) The development of the screening/test or questionnaire, its scientific
20 validity as replicated in scientific studies, the rationale for the
21 screening/test/questionnaire and reliability.
- 22 (c) Scientific journal citations demonstrating that the proposed
23 screening/test or questionnaire has been proven to be reliable and valid by
24 replicated scientific studies.

1 (d) A guarantee that no screening/test or questionnaire is based or related
2 to any “mental disorder” as covered in the *Diagnostic and Statistical*
3 *Manual of Mental Disorders*.

4 (e) The intended use of the results or outcomes of the child or adolescent
5 completing such screening/test or questionnaire.

6 (f) The right to rescind consent at any time before, during or after the
7 screening/test or questionnaire being proposed.

8 **Informed Consent for Mental Health Screening**

9 I acknowledge that I have read and understood the above information to the best
10 of my ability and have read (NAME OF MANUAL), and based on my
11 understanding, I am choosing **one** (1) of the following:

12 (a) **I give my consent** for my child to undergo an evaluation for
13 emotional, behavior, mental, specific learning disabilities, or other
14 health impairments (mental health screening), and require that I be
15 provided, in writing, any findings determined.

16 (b) Consent means that I do/do not (strike which is inappropriate) give
17 permission for the information obtained from such survey or testing to
18 become part of my child’s school or other record or to be transmitted to any
19 other agency outside of the [name of school].

20 _____
21 (Signature of Parent)

Date

1 (c) I do not give my consent for my child to undergo an evaluation for
2 emotional, behavior, mental, specific learning disabilities, or other health
3 impairments (mental health screening).

4 _____
5 (Signature of Parent) Date

6 **THIS FORM MUST BE RECEIVED BY THE PARENT AT LEAST 45**
7 **DAYS BEFORE THE PLANNED SCREENING. PLEASE ENSURE THIS**
8 **FORM IS RETURNED BEFORE THE SCREENING DATE. YOU HAVE**
9 **THE RIGHT TO REVOKE YOUR CONSENT AT ANY TIME.”**

10 **Section 2. Authorization for the Compiler of Laws to Renumber**
11 **Sections as Necessary.** The Compiler of Laws *shall*, if necessary renumber any
12 provisions of this act in the event that the numbers of such sections conflict with
13 the existing numbers of sections of public law.

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 04/27/12

VOTING SHEET

ABill No. 202-31 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14
0
0
0
1

CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



**OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.**

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

GUAM FIRST
COMMISSION

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

July 19, 2011

The Honorable Rory J. Respicio
Chairperson, Committee on Rules
I Mina' Trentai Unu Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

2011 AUG -2 PM 4:43
EPM

RE: Committee Report on Substitute Bill No. 202-31 (COR)

Dear Chairman Respicio:

Transmitted herewith is the Committee Report on Substitute Bill No. 202-31 (COR) – “An act to add a new Article 7 to Chapter 6 of 17 GCA relative to protection of minors' and students' rights,.” sponsored by Senator V. Anthony Ada and referred to the Committee on Education and Public Libraries.

Committee votes are as follows:

- 6 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and *Si Yu'os ma'ase*.

Judith T. Won Pat, Ed.D.
Chairperson
Committee on Education

attachments



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
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COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

COMMISSIONER

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GUAM FIRST
COMMISSION

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

COMMITTEE REPORT

on

Substitute Bill No. 202-31 (COR)

An act to add a new Article 7 to Chapter 6 of 17GCA relative
to protection of minors' and students' rights.



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
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LEGISLATURES
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

**LEGISLATIVE
REPRESENTATIVE**


PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

July 16, 2011

MEMORANDUM

To: ALL MEMBERS
Committee on Education and Public Libraries

From: Speaker Judith T. Won Pat, Ed.D. 
Committee Chairperson

Subject: Committee report on Substitute Bill No. 202-31 (COR)

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 202-31 (COR) – An act to add a new Article 7 to Chapter 6 of 17 GCA, relative to protection of minors' and students' rights," sponsored by Senator V. Anthony Ada.

This report includes the following:

Committee Voting Sheet
Committee Report Digest
Copy of Bill No. 202-31 (COR)
Copy of Substitute Bill No. 202-31 (COR)
Public Hearing Sign-in Sheet
Fiscal Note
Copy of COR Referral of Bill No. 202-31 (COR)
Notices of Public Hearing
Copy of Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.







Si Yu'os ma'ase!

attachments

COMMITTEE VOTING SHEET
COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

Substitute Bill No. 202-31 (COR) – V. Anthony Ada

An act to add a new Article 7 to Chapter 6 of Title 17 GCA, relative to protection of minors' and students' rights.

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Judith T. Won Pat, Ed.D., Chairperson		7/18/11 ✓				
Judith P. Guthertz, DPA, Vice Chairperson						
Tina R. Muna-Barnes Vice Chairperson						
Vicente C. Pangelinan Vice Chairperson		7/18/11 ✓				
Thomas C. Ada		7/18/11 ✓				
Frank F. Blas, Jr.		7/18/11 ✓				
Aline A. Yamashita, Ph.D.		7/18/11 ✓				
V. Anthony Ada		7/18/11 ✓				
Sam Mabini, Ph.D.						



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Education and Public Libraries convened a public hearing on June 23, 2011 at 2:00 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 202-31 (COR) "An act to add a new Article 7 to Chapter 6 of Title 17 GCA relative to protection of minors' and students' rights," sponsored by Senator V. Anthony Ada.

Public Notice Requirements

Notices were disseminated via fax and email to all senators and all main media broadcasting outlets on June 15, 2011 (5-Day Notice), and again on June 20, 2011 (48-Hour Notice).

Senators Present

Speaker Judith T. Won Pat, Ed.D.	Committee, Chairperson
Minority Leader Frank F. Blas, Jr.	
Senator V. Anthony Ada	Committee, Minority Member
Senator Aline A. Yamashita, Ph.D.	Committee, Minority Member
Senator Christopher M. Duenas	Committee, Minority Member
Senator Sam Mabini, Ph.D.	Committee, Minority Member

Appearing before the Committee

Two witnesses signed to testify on the legislation, however they were not present when the bill was heard.

II. SUMMARY OF TESTIMONY & DISCUSSION

Speaker Judith T. Won Pat, Ed.D. convened the public hearing to order at 2:00 p.m. and announced the agenda of the public hearing. Bill No. 202-31 (COR) was announced as one of the items on the agenda to be heard by the Committee.

- **Senator Ada** stated the legislation is to protect our children, ensure students' rights, and ensure the parents are always involved in everything that goes on with the children. He stated parents must be given an informed consent notice about any mental health, psychological, psychiatric evaluations that would be conducted in the schools and parents must provide written consent for their children to participate.

There being no further questions or comments, Speaker Won Pat, Ed.D. concluded the hearing for Bill No. 202-31 (COR).

III. FINDINGS AND RECOMMENDATIONS

The Committee on Education and Public Libraries hereby submits the following amendment to Bill No. 202-31 (COR). The following amendment would ensure any uncertainty as to the order of enactment of bills currently before the Body, or whether any or all of the bills will be enacted, all dealing with Chapter 6 of Title 17 GCA, a provision must be made to allow the Compiler of Laws the flexibility to renumber Title and Sections of the bills as may be necessary according to the order of enactment.

The Committee on Education and Public Libraries hereby reports out Bill No. 202-31 (COR), As Substituted by the Committee with the recommendation TOPASS.

1 and returned. However, the onus should rest on both the school and the mental
2 health professional or agency seeking to conduct the screening, with criminal
3 penalties if consent is not obtained in writing and the child is subjected to non-
4 consensual screening.

5 (c) “Passive consent” or other consent forms often:

6 i. Mislead parents into thinking that what is taking place at the school is
7 just a health evaluation for their child, not a psychiatric evaluation,

8 ii. Do not include information about the personal and invasive questions
9 their child will be asked,

10 iii. Do not contain information on the difference between “emotional
11 health concerns,” mental disorders or physical diseases—the latter of which can be
12 physically tested for and the former cannot, and

13 iv. Leave the parent with so little information that he or she cannot make
14 a proper informed decision to give valid informed consent.

15 (d) Parents also are not informed that mental health screenings for “mental
16 disorders” are based on those defined in the *Diagnostic and Statistical Manual of*
17 *Mental Disorders* (DSM). However, in the introduction of the DSM-IV it states,
18 “Moreover, although this manual provides a classification of mental disorders, it
19 must be admitted that no definition adequately specifies precise boundaries for the
20 concept of ‘mental disorder.’” Further, “...the term ‘mental’ disorders...persists in
21 the title of DSM-IV because we have not found an appropriate substitute.”

22 (e) Unlike scientific methods to determine physical diseases like cancer,
23 diabetes or tuberculosis, a diagnosis of “mental disorder” or “syndrome” is not
24 based on any medical test, such as a brain scan, a ‘chemical imbalance’ test, X-ray
25 or blood test. The former U.S. Surgeon General, in his 1999 Report on Mental
26 Health— which became a reference for many countries—stated, “The diagnosis of

1 mental disorders is often believed to be more difficult than diagnosis of medical
2 disorders since there is no definitive lesion, laboratory test or abnormality in brain
3 tissue that can identify the illness.”

4 (f) Harvard Medical School’s Dr. Joseph Glenmullen warns that the
5 checklist rating scales used to screen people for conditions such as “depression,”
6 are “designed to fit hand-in-glove with the effects of drugs, emphasizing the
7 physical symptoms of depression that most respond to antidepressant
8 medication...While assigning a number to a patient’s depression may look
9 scientific, when one examines the questions asked and the scales used, they are
10 utterly subjective measures.” He says, “The symptoms are subjective emotional
11 states, making the diagnosis extremely vague.”

12 (g) Based on subjective nature of the mental health diagnostic system and
13 mental health screenings, millions of children are prescribed antidepressants or
14 stimulants recognized by leading drug regulatory agencies as causing suicidal
15 behavior, suicide, violence, hostility and in the case of stimulants, the potential for
16 strokes and heart attacks. In October 2004, the U.S. Food and Drug Administration
17 (FDA) required a “black box” warning of suicide risks for all antidepressants
18 prescribed to under 18 year olds. In August 2005, The Commission of the
19 European Communities that represents 25 countries issued the strongest warning
20 yet against child antidepressant use warning of the drugs potential to cause suicide
21 attempts and suicidal ideation, aggression, hostility (predominantly aggression,
22 oppositional behavior and anger) and/or related behavior. According to the U.S.
23 Drug Enforcement Administration, the stimulant drugs being prescribed to
24 children are scheduled as abusive as opium, morphine and cocaine. In February
25 2006, an FDA Advisory Committee recommended a “black box” warning for
26 stimulants stating that they can cause heart attacks, strokes and even death.

1 (h) As such, Guam's parents, without explicit protection, will be unable to give
2 informed consent about whether they want their child to participate in such
3 screening.

4

5 I it is the intent of *I Liheslatura* to prohibit the Guam Department of
6 Education from conducting any mental health screen on school children without
7 the informed consent of parents.

8

9 **§7201. Informed Consent Required for mental health screening of students.**

10 The Guam Department of Education shall:

11 (a) Prohibit the use of schools for any mental health or psychological
12 screening or testing of any student, whether a non-emancipated minor or
13 emancipated minor without the express written consent of the parent or
14 guardian.

15 (b) The consent form must be in a clear and legible form and in
16 compliance with any local or federal regulation, in the primary language of
17 the parent, not less than forty-five (45) days in advance of any such
18 screening; and

19 (c) The consent form must be signed by the parent or legally appointed
20 guardian of each minor.

21 **§7301. Contents of Informed Consent Form.** The consent form must include the
22 following information:

23 TO: (parent or guardian) _____

24

25 FROM: (school or organization) _____

1 [Particulars regarding name of screening program, where and when it will take
2 place]

3 **FULL INFORMED CONSENT FOR MENTAL HEALTH OR**
4 **PSYCHOLOGICAL SCREENING**

5 Mental health or psychological screening methods for children and adolescents
6 vary from state to state, but may involve a self-administered computer interview
7 or survey to determine how a student feels emotionally (anxious or worried, sad
8 or depressed) or to judge his or her behavior at the present time or in the past.
9 These questions can cover thoughts or feelings your child has had or thoughts and
10 feelings your child thinks you may have had or currently have about him or her.

11 An outcome could be you are asked to take your child for a follow-up interview or
12 evaluation to determine if he or she has a mental disorder or syndrome. Based on
13 an evaluation of your child's answers, he or she may be diagnosed with a "mental"
14 or "psychiatric disorder." These diagnoses have to be made by a psychologist,
15 psychiatrist or medical doctor, but the subjectivity of this diagnostic process
16 makes it a risk.

17 Questionnaires or tests are frequently based on symptoms outlined in the
18 *Diagnostic and Statistical Manual of Mental Disorders (DSM)* or the mental
19 disorders section of the *International Classification of Diseases (ICD)*. The
20 psychologist, psychiatrist and medical doctor often depend upon these diagnoses
21 in order to bill private or government insurance.

22 The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent and
23 whether or not these constitute a mental disorder are based on the opinion only of
24 the person making the diagnosis. Unlike methods to determine physical diseases

1 like cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or
2 “syndrome” cannot be determined by any physical, medical test, such as a brain
3 scan, a “chemical imbalance” test, X-ray or blood test.

4 Mental health screening could be presented to you as a means of preventing
5 suicide. However, there is no scientific evidence to substantiate this at this time.
6 The U.S. Preventive Services Task Force (USPSTF) studied this and
7 recommended against screening for suicide in 2004, saying that it “found no
8 evidence that screening for suicide risk reduces suicide attempts or mortality.”

9 Commonly psychiatric drugs prescribed to treat mental disorders can have very
10 serious effects on some children. In 2005 the European Committee for Medicinal
11 Products for Human Use (CHMP), which includes members from 25 European
12 Member States determined that antidepressants should not be prescribed to under
13 18-year-olds because they can produce suicidal behavior, including suicide
14 attempts and thinking about suicide and/or related behavior like self-harm,
15 hostility or mood changes.

16 The U.S. Food and Drug Administration ordered that a “black box”—its highest
17 level of drug warning—be placed on antidepressant packaging advising the drugs
18 can induce suicide in children and teens. The FDA also has issued concerns that
19 stimulant drugs prescribed children may cause “psychiatric events,” described as
20 “visual hallucinations, suicidal ideation, psychotic behavior, as well as aggression
21 or violent behavior.”

22 Before consenting to any such screening or survey, the educational facility must
23 provide a manual and other published information which fully describes:

- 1 (i) The nature and purpose of the screening/test or questionnaire.
- 2 (ii) The development of the screening/test or questionnaire, its scientific validity
3 as replicated in scientific studies, the rationale for the screening/test/questionnaire
4 and reliability.
- 5 (iii) Scientific journal citations demonstrating that the proposed screening/test or
6 questionnaire has been proven to be reliable and valid by replicated scientific
7 studies.
- 8 (iv) A guarantee that no screening/test or questionnaire is based or related to any
9 “mental disorder” as covered in the *Diagnostic and Statistical Manual of Mental*
10 *Disorders*.
- 11 (v) The intended use of the results or outcomes of the child or adolescent
12 completing such screening/test or questionnaire.
- 13 (vi) The right to rescind consent at any time before, during or after the
14 screening/test or questionnaire being proposed.

15

16 **Informed Consent for Mental Health Screening**

17 I acknowledge that I have read and understood the above information to the best
18 of my ability and read NAME OF MANUAL, and based on my understanding, I
19 am choosing **one** of the following:

20

- 21 (a) **I give my consent** for my child to undergo an evaluation for
22 emotional, behavior, mental, specific learning disabilities, or other
23 health impairments (mental health screening), and require that I be
24 provided in writing any findings determined.

1 (b) Consent means that I do/do not (strike which is inappropriate) give
2 permission for the information obtained from such survey or testing to
3 become part of my child's school or other record or to be transmitted to any
4 other agency outside of the [name of school].
5
6

7 _____
8 (Signature of Parent)

_____ Date

9 (c) **I do not** give my consent for my child to undergo an evaluation for
10 emotional, behavior, mental, specific learning disabilities, or other health
11 impairments (mental health screening).
12
13

14 _____
15 (Signature of Parent)

_____ Date

16
17 **THIS FORM MUST BE RECEIVED BY THE PARENT AT LEAST 45**
18 **DAYS BEFORE THE PLANNED SCREENING. PLEASE ENSURE THIS**
19 **FORM IS RETURNED BEFORE THE SCREENING DATE. YOU HAVE**
20 **THE RIGHT TO REVOKE YOUR CONSENT AT ANY TIME.**

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 202-31(COR)

Introduced by:

V. Anthony Ada

**AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF
17GCA RELATIVE TO PROTECTION OF MINORS' AND
STUDENTS' RIGHTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 7 is *added* to Chapter 6 of 17 GCA to read as follows:

Article 7

Mental Health Screening, Child Protection and Informed Consent Act

§7101. Legislative Findings and Intent. *I Liheslaturan Guåhan finds* that:

(a) The use of educational settings to screen children and adolescents for “mental disorders” has led to parents not being given sufficient information about the purpose of such screenings and the ramifications if they consent—such as mandatory psychological or psychiatric treatment for their child and family—thereby violating the recognized requirements and standards regarding “full informed consent.”

(b) Frequently, a system of “passive consent” is used whereby “consent” is considered provided when the parent DOES NOT return the consent form. The onus is, therefore, on the child/adolescent to transmit the consent form to the parent and on the parent ensuring that if consent is not given, the form is signed

2011 MAY 16 PM 2:00-
ada

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 202-31 (COR)

Introduced by:
As substituted by the Committee on
Education and Public Libraries

V.Anthony Ada

**AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF
17GCA RELATIVE TO PROTECTION OF MINORS' AND
STUDENTS' RIGHTS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Article 7 is *added* to Chapter 6 of 17 GCA to read as follows:

3

4

Article 7

5 **Mental Health Screening, Child Protection and Informed Consent Act**

6

7 **§7101. Legislative Findings and Intent.** *I Liheslaturan Guåhan finds that:*

8 (a) The use of educational settings to screen children and adolescents for
9 “mental disorders” has led to parents not being given sufficient information about
10 the purpose of such screenings and the ramifications if they consent—such as
11 mandatory psychological or psychiatric treatment for their child and family—
12 thereby violating the recognized requirements and standards regarding “full
13 informed consent.”

14 (b) Frequently, a system of “passive consent” is used whereby “consent” is
15 considered provided when the parent DOES NOT return the consent form. The
16 onus is, therefore, on the child/adolescent to transmit the consent form to the

1 parent and on the parent ensuring that if consent is not given, the form is signed
2 and returned. However, the onus should rest on both the school and the mental
3 health professional or agency seeking to conduct the screening, with criminal
4 penalties if consent is not obtained in writing and the child is subjected to non-
5 consensual screening.

6 (c) “Passive consent” or other consent forms often:

7 i. Mislead parents into thinking that what is taking place at the school is
8 just a health evaluation for their child, not a psychiatric evaluation,

9 ii. Do not include information about the personal and invasive questions
10 their child will be asked,

11 iii. Do not contain information on the difference between “emotional
12 health concerns,” mental disorders or physical diseases—the latter of which can be
13 physically tested for and the former cannot, and

14 iv. Leave the parent with so little information that he or she cannot make
15 a proper informed decision to give valid informed consent.

16 (d) Parents also are not informed that mental health screenings for “mental
17 disorders” are based on those defined in the *Diagnostic and Statistical Manual of*
18 *Mental Disorders* (DSM). However, in the introduction of the DSM-IV it states,
19 “Moreover, although this manual provides a classification of mental disorders, it
20 must be admitted that no definition adequately specifies precise boundaries for the
21 concept of ‘mental disorder.’” Further, “...the term ‘mental’ disorders...persists in
22 the title of DSM-IV because we have not found an appropriate substitute.”

23 (e) Unlike scientific methods to determine physical diseases like cancer,
24 diabetes or tuberculosis, a diagnosis of “mental disorder” or “syndrome” is not
25 based on any medical test, such as a brain scan, a ‘chemical imbalance’ test, X-ray
26 or blood test. The former U.S. Surgeon General, in his 1999 Report on Mental

1 Health— which became a reference for many countries—stated, “The diagnosis of
2 mental disorders is often believed to be more difficult than diagnosis of medical
3 disorders since there is no definitive lesion, laboratory test or abnormality in brain
4 tissue that can identify the illness.”

5 (f) Harvard Medical School’s Dr. Joseph Glenmullen warns that the
6 checklist rating scales used to screen people for conditions such as “depression,”
7 are “designed to fit hand-in-glove with the effects of drugs, emphasizing the
8 physical symptoms of depression that most respond to antidepressant
9 medication...While assigning a number to a patient’s depression may look
10 scientific, when one examines the questions asked and the scales used, they are
11 utterly subjective measures.” He says, “The symptoms are subjective emotional
12 states, making the diagnosis extremely vague.”

13 (g) Based on subjective nature of the mental health diagnostic system and
14 mental health screenings, millions of children are prescribed antidepressants or
15 stimulants recognized by leading drug regulatory agencies as causing suicidal
16 behavior, suicide, violence, hostility and in the case of stimulants, the potential for
17 strokes and heart attacks. In October 2004, the U.S. Food and Drug Administration
18 (FDA) required a “black box” warning of suicide risks for all antidepressants
19 prescribed to under 18 year olds. In August 2005, The Commission of the
20 European Communities that represents 25 countries issued the strongest warning
21 yet against child antidepressant use warning of the drugs potential to cause suicide
22 attempts and suicidal ideation, aggression, hostility (predominantly aggression,
23 oppositional behavior and anger) and/or related behavior. According to the U.S.
24 Drug Enforcement Administration, the stimulant drugs being prescribed to
25 children are scheduled as abusive as opium, morphine and cocaine. In February
26 2006, an FDA Advisory Committee recommended a “black box” warning for

1 stimulants stating that they can cause heart attacks, strokes and even death.

2 (h) As such, Guam’s parents, without explicit protection, will be unable to give
3 informed consent about whether they want their child to participate in such
4 screening.

5

6 I it is the intent of *I Liheslatura* to prohibit the Guam Department of
7 Education from conducting any mental health screen on school children without
8 the informed consent of parents.

9

10 **§7201. Informed Consent Required for mental health screening of students.**

11 The Guam Department of Education shall:

12 (a) Prohibit the use of schools for any mental health or psychological
13 screening or testing of any student, whether a non-emancipated minor or
14 emancipated minor without the express written consent of the parent or
15 guardian.

16 (b) The consent form must be in a clear and legible form and in
17 compliance with any local or federal regulation, in the primary language of
18 the parent, not less than forty-five (45) days in advance of any such
19 screening; and

20 (c) The consent form must be signed by the parent or legally appointed
21 guardian of each minor.

22 **§7301. Contents of Informed Consent Form.** The consent form must include the
23 following information:

24 TO: (parent or guardian) _____

25
26 FROM: (school or organization) _____

1 [Particulars regarding name of screening program, where and when it will take
2 place]

3 **FULL INFORMED CONSENT FOR MENTAL HEALTH OR**
4 **PSYCHOLOGICAL SCREENING**

5 Mental health or psychological screening methods for children and adolescents
6 vary from state to state, but may involve a self-administered computer interview
7 or survey to determine how a student feels emotionally (anxious or worried, sad
8 or depressed) or to judge his or her behavior at the present time or in the past.
9 These questions can cover thoughts or feelings your child has had or thoughts and
10 feelings your child thinks you may have had or currently have about him or her.

11 An outcome could be you are asked to take your child for a follow-up interview or
12 evaluation to determine if he or she has a mental disorder or syndrome. Based on
13 an evaluation of your child's answers, he or she may be diagnosed with a "mental"
14 or "psychiatric disorder." These diagnoses have to be made by a psychologist,
15 psychiatrist or medical doctor, but the subjectivity of this diagnostic process
16 makes it a risk.

17 Questionnaires or tests are frequently based on symptoms outlined in the
18 *Diagnostic and Statistical Manual of Mental Disorders (DSM)* or the mental
19 disorders section of the *International Classification of Diseases (ICD)*. The
20 psychologist, psychiatrist and medical doctor often depend upon these diagnoses
21 in order to bill private or government insurance.

22 The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent and
23 whether or not these constitute a mental disorder are based on the opinion only of
24 the person making the diagnosis. Unlike methods to determine physical diseases

1 like cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or
2 “syndrome” cannot be determined by any physical, medical test, such as a brain
3 scan, a “chemical imbalance” test, X-ray or blood test.

4 Mental health screening could be presented to you as a means of preventing
5 suicide. However, there is no scientific evidence to substantiate this at this time.
6 The U.S. Preventive Services Task Force (USPSTF) studied this and
7 recommended against screening for suicide in 2004, saying that it “found no
8 evidence that screening for suicide risk reduces suicide attempts or mortality.”

9 Commonly psychiatric drugs prescribed to treat mental disorders can have very
10 serious effects on some children. In 2005 the European Committee for Medicinal
11 Products for Human Use (CHMP), which includes members from 25 European
12 Member States determined that antidepressants should not be prescribed to under
13 18-year-olds because they can produce suicidal behavior, including suicide
14 attempts and thinking about suicide and/or related behavior like self-harm,
15 hostility or mood changes.

16 The U.S. Food and Drug Administration ordered that a “black box”—its highest
17 level of drug warning—be placed on antidepressant packaging advising the drugs
18 can induce suicide in children and teens. The FDA also has issued concerns that
19 stimulant drugs prescribed children may cause “psychiatric events,” described as
20 “visual hallucinations, suicidal ideation, psychotic behavior, as well as aggression
21 or violent behavior.”

22 Before consenting to any such screening or survey, the educational facility must
23 provide a manual and other published information which fully describes:

- 1 (i) The nature and purpose of the screening/test or questionnaire.
- 2 (ii) The development of the screening/test or questionnaire, its scientific validity
3 as replicated in scientific studies, the rationale for the screening/test/questionnaire
4 and reliability.
- 5 (iii) Scientific journal citations demonstrating that the proposed screening/test or
6 questionnaire has been proven to be reliable and valid by replicated scientific
7 studies.
- 8 (iv) A guarantee that no screening/test or questionnaire is based or related to any
9 “mental disorder” as covered in the *Diagnostic and Statistical Manual of Mental*
10 *Disorders*.
- 11 (v) The intended use of the results or outcomes of the child or adolescent
12 completing such screening/test or questionnaire.
- 13 (vi) The right to rescind consent at any time before, during or after the
14 screening/test or questionnaire being proposed.

15

16 **Informed Consent for Mental Health Screening**

17 I acknowledge that I have read and understood the above information to the best
18 of my ability and read NAME OF MANUAL, and based on my understanding, I
19 am choosing **one** of the following:

- 20
- 21 (a) **I give my consent** for my child to undergo an evaluation for
22 emotional, behavior, mental, specific learning disabilities, or other
23 health impairments (mental health screening), and require that I be
24 provided in writing any findings determined.

1 (b) Consent means that I do/do not (strike which is inappropriate) give
2 permission for the information obtained from such survey or testing to
3 become part of my child's school or other record or to be transmitted to any
4 other agency outside of the [name of school].
5
6

7 _____
8 (Signature of Parent)

_____ Date

9 (c) **I do not give my consent** for my child to undergo an evaluation for
10 emotional, behavior, mental, specific learning disabilities, or other health
11 impairments (mental health screening).
12
13

14 _____
15 (Signature of Parent)

_____ Date

16
17 **THIS FORM MUST BE RECEIVED BY THE PARENT AT LEAST 45**
18 **DAYS BEFORE THE PLANNED SCREENING. PLEASE ENSURE THIS**
19 **FORM IS RETURNED BEFORE THE SCREENING DATE. YOU HAVE**
20 **THE RIGHT TO REVOKE YOUR CONSENT AT ANY TIME.**

21 **Section 2. Authorization for the Compiler of Laws to renumber sections as**
22 **necessary. The Compiler of Laws, shall, if necessary renumber any provisions of**
23 **this act in the event that the numbers of such sections conflict with the existing**
24 **numbers of sections of Public Law.**

COMMITTEE ON EDUCATION & PUBLIC LIBRARIES

Bill No. 202-31 (COR) - V.A. Ada

An act to add a new Article 7 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
<i>S. Palao</i>	<i>DFE</i>	<i>support</i>			<i>308-1624</i>	
<i>Frank Rolando</i>	<i>A-1720</i>	<i>support</i>			<i>475-7044</i>	

Bill No. 202-31 (COR)

Bureau of Budget & Management Research
Fiscal Note of Bill No. 202-31 (COR)

AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF 17GCA RELATIVE TO PROTECTION OF MINORS' AND STUDENTS' RIGHTS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Narrissa Bretania-Shaffer
Department's General Fund (GF) appropriation(s) to date: General Fund to Department of Education Operational Fund (DOEOF)	163,276,054
Department's Other Fund (Specify) appropriation(s) to date: Public Library Resource Fund (PLRF), Healthy Futures Fund (HFF), Territorial Education Facilities Fund (TEFF), School Lunch Cash Collection, SAE/Child Nutritional Reimbursement Fund, Indirect Cost Fund	21,845,797
Total Department/Agency Appropriation(s) to date:	\$185,121,851

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appr. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
 If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ _____ / / N/A
- Does the Bill establish a new program/agency? / / Yes / / No
 If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? / / Yes / / No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
/ / Requested agency comments not received by due date /X/ Other: Time constraint

Analyst (s): Joe Certeza Date: 05/27/2011 Director: Benita A. Manglona Date: 6/1/11
 Benita A. Manglona, Director

Footnotes:
 The Bill has a potential fiscal impact for additional funding requirements. However, in its present form, such impact cannot be determined at this time.

6/1/11



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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MAJORITY LEADER

Senator
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vicente c. pangelinan

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Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

May 17, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 200-31 (COR) through 202-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 200-31(COR) through 202-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(2) Attachments

2011 MAY 18 PM 3:52

I Mina 'Trentai Umu Na Liheslaturan Guåhan

Bill Log Sheet

May 16, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
201-31 (COR)	V. A. Ada	AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 6 OF 17GCA RELATIVE TO PROTECTION OF MINORS' AND STUDENTS' RIGHTS.	05/16/11 2:00 p.m.	5/17/11		Committee on Education and Public Libraries.			
202-31 (COR)	V. A. Ada	AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF 17GCA RELATIVE TO PROTECTION OF MINORS' AND STUDENTS' RIGHTS.	05/16/11 2:00 p.m.	5/17/11		Committee on Education and Public Libraries.			

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public hearing - june 23, 2011

Tuesday, June 14, 2011 9:03 PM

From: "Frank Torres" <fbtorres@judiwonpat.com>

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June 15, 2011

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MEMORANDUM

To: **Members of the 31st Guam Legislature**

From: **Committee on Education and Public Libraries**

Subject: **Notice of Public Hearing**

The Committee on Education and Public Libraries has scheduled a public hearing for Thursday, June 23, 2011 at 2:00 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

- **The appointment of Jesse T. San Nicolas to serve as a member, Guam Commission for Educator Certifications**

- **Bill No. 177-31 (LS)** - A.A. Yamashita, Ph.D. / A.B. Palacios, Sr. An act to add a new § 3112.2 of Article 1, Chapter 3, Title 17, Guam Code Annotated relative to creating a safe schools program: School Crime Stoppers.

- **Bill No. 179-31 (LS)** - V.A. Ada / F.F. Blas, Jr. An act to add a new Article 6 to Chapter 6 of 17G.C.A. relative to authorizing the Department of Education to create and implement a voluntary preschool pilot program.

- **Bill No. 192-31 (COR)** - C.M. Duenas An act to add a new § 34102 to Chapter 34 of Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students; providing funding sources for the program; and, citing this act as the "Growing Guam's Work Force Scholarship Program."

- **Bill No. 198-31 (COR)** - C.M. Duenas / A.A. Yamashita, Ph.D. An act to add a new Article 14 to Division 3 of Chapter 15, Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students; providing funding sources for the program, and citing this act as the "Every Child is Entitled to a Higher Education Scholarship Program."

- **Bill No. 201-31 (COR)** - V.A. Ada An act to add a new Article 6 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

- **Bill No. 202-31 (COR)** - V.A. Ada An act to add a new Article 7 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

- **Bill No. 213-31 (COR)** - A.A. Yamashita, Ph.D. An act to repeal § 6108 of Chapter 6, Article 1 of Title 17, Guam Code Annotated, relative to sick persons.

- **Bill No. 229-31 (COR)** - J.T. Won Pat, Ed.D. / V.A. Ada An act to add Section 6101.1 of Title 17 Guam Code Annotated relative to Students' Bill of Rights and Responsibilities.

- **Bill No. 239-31 (COR)** - Sam Mabini, Ph.D. / J.P. Guthertz, DPA Amending §4114.1 and adding a new sub-item (A) to §4114.1 of Title 17 Guam Code Annotated, Chapter 4, the "College and Career Readiness" (CCaRe) Act, relative to integrating academic curriculum and career technical education into the Guam Department of Education's basic curricula.

Testimonies can be submitted in advance to the Office of Speaker Judith T. Won Pat, Ed.D. through email at fbtorres@judivonpat.com or through facsimile at 472-3589. Copies of the bills are available at www.guamlegislature.com

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at edpocaigue@judivonpat.com

cc: Sgt at Arms
MIS
DOE
All Media

Frank B. Torres
Sr. Policy Analyst
Office of the Speaker
31st Guam Legislature

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clerks@guamlegislature.org
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evelyn4families@gmail.com
fbtorres@judiwonpat.com
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gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
jcamacho@senatorada.org
jmesngon.senatordrodriguez@gmail.com
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markaflague@gmail.com
marksayama@gmail.com
maryfejeran@gmail.com
mis@guamlegislature.org
mtorres.senatordrodriguez@gmail.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
pitcruz@yahoo.com
rhea@tinamunabarnes.com
rob.tupaz@gmail.com
roryforguam@gmail.com
sem@guamlegislature.org
senabpalacios@gmail.com
senator@senatorbjcruz.com
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senatordrodriguez@gmail.com
senatormana@gmail.com
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senbenp@guam.net
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speaker@judiwonpat.com
steve@judiwonpat.com
tanya4families@gmail.com
tom@senatorada.org
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Broadcast Report

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06-15-2011
4723510

02:43:39 p.m.

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GUAM LEGISLATURE

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OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMISSIONER FOR PUBLIC
WORKS AND AFFAIRS,
GUAM GOVERNMENT
RECEIVED

June 13, 2011

COMMITTEE ON
TECHNICAL
EDUCATION
AND TRAINING
PROGRAMS
AND
CERTIFICATION

MEMORANDUM

COMMISSIONER

GUAM COMMISSIONER OF
DEVELOPMENT

GUAM FIRST
COMMISSIONER

VICE PRESIDENT

ASSOCIATION OF
PUBLIC AND
LIBRARIAN
(APL)

BOARD MEMBER

PUBLIC RELATIONS FOR
EDUCATION
AND TRAINING
(PRET)

**LEGISLATIVE
REPRESENTATIVE**

PUBLIC ISLAND
DEVELOPMENT BOARD
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTA)

To: Members of the 31st Guam Legislature
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing - First Notice

The Committee on Education and Public Libraries has scheduled a public hearing for Thursday, June 23, 2011 at 2:00 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

- The appointment of James T. Yon Nicolas to serve as a member, Guam Commission for Educator Certification
- Bill No. 177-31 (LS) - A.A. Yamasaki, Ph.D. / A.B. Palacios, Sr. An act to add a new § 3112.2 of Article 1, Chapter 3, Title 17, Guam Code Annotated relative to creating a safe schools program; School Crime Stoppers.
- Bill No. 179-31 (LS) - V.A. Ada / F.P. Dian, Jr. An act to add a new Article 6 to Chapter 6 of 17G.C.A. relative to authorizing the Department of Education to create and implement a voluntary preschool pilot program.
- Bill No. 192-31 (COR) - C.M. Dueson. An act to add a new § 14102 to Chapter 34 of Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students, providing funding sources for the program, and, citing this act as the "Growing Guam's Work Force Scholarship Program."
- Bill No. 196-31 (COR) - C.M. Dueson / A.A. Yamasaki, Ph.D. An act to add a new Article 14 to (M)HAM 3 of Chapter 15, Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students, providing funding sources for the program, and citing this act as the "Every Child is Entitled to a Higher Education Scholarship Program."
- Bill No. 201-31 (COR) - V.A. Ada. An act to add a new Article 6 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.
- Bill No. 202-31 (COR) - V.A. Ada. An act to add a new Article 7 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.
- Bill No. 213-31 (COR) - A.A. Yamasaki, Ph.D. An act to repeal § 618B of Chapter 6, Article 1 of Title 17, Guam Code Annotated, relative to such persons.
- Bill No. 229-31 (COR) - J.T. Won Pat, Ed.D. / V.A. Ada. An act to add Section 6101.1 of Title 17 Guam Code Annotated relative to Students' Bill of Rights and Responsibilities.
- Bill No. 236-31 (COR) - Sam Malina, Ph.D. / J.P. Gutierrez, DPA. Amending § 6114.1 and adding a new sub-section (A) to § 6114.1 of Title 17 Guam Code Annotated, Chapter 4, the "College and Career Readiness" (CCRR) Act, relative to progressing academic curriculum and career technical education into the Guam Department of Education's basic curricula.

Total Pages Scanned : 2

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6	464	+6714773079 PDU	02:32:28 p.m. 06-15-2011	00:00:38	2/2	1	EC	HS	CP14400
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Local Name 1 GUAM LEGISLATURE
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Abbreviations:
HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct

Small Business Home

YAHOO! SMALL BUSINESS

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public hearing second notice

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MEMORANDUM

To: Members of the 31st Guam Legislature

From: Committee on Education and Public Libraries

Subject: Notice of Public Hearing –
Second Notice

The Committee on Education and Public Libraries has scheduled a public hearing for Thursday, June 23, 2011 at 2:00 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

- **The appointment of Jesse T. San Nicolas to serve as a member, Guam Commission for Educator Certifications**

- **Bill No. 177-31 (LS)** - A.A. Yamashita, Ph.D. / A.B. Palacios, Sr. An act to add a new § 3112.2 of Article 1, Chapter 3, Title 17, Guam Code Annotated relative to creating a safe schools program: School Crime Stoppers.

- **Bill No. 179-31 (LS)** - V.A. Ada / F.F. Blas, Jr. An act to add a new Article 6 to Chapter 6 of 17G.C.A. relative to authorizing the Department of Education to create and implement a voluntary preschool pilot program.

- **Bill No. 192-31 (COR)** - C.M. Duenas An act to add a new § 34102 to Chapter 34 of Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students; providing funding sources for the program; and, citing this act as the "Growing Guam's Work Force Scholarship Program."

- **Bill No. 198-31 (COR)** - C.M. Duenas / A.A. Yamashita, Ph.D. An act to add a new Article 14 to Division 3 of Chapter 15, Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students; providing funding sources for the program, and citing this act as the "Every Child is Entitled to a Higher Education Scholarship Program."

- **Bill No. 201-31 (COR)** - V.A. Ada An act to add a new Article 6 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

- **Bill No. 202-31 (COR)** - V.A. Ada An act to add a new Article 7 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

- **Bill No. 213-31 (COR)** - A.A. Yamashita, Ph.D. An act to repeal § 6108 of Chapter 6, Article 1 of Title 17, Guam Code Annotated, relative to sick persons.

- **Bill No. 229-31 (COR)** - J.T. Won Pat, Ed.D. / V.A. Ada An act to add Section 6101.1 of Title 17 Guam Code Annotated relative to Students' Bill of Rights and Responsibilities.

- **Bill No. 239-31 (COR)** - Sam Mabini, Ph.D. / J.P. Guthertz, DPA Amending §4114.1 and adding a new sub-item (A) to §4114.1 of Title 17 Guam Code Annotated, Chapter 4, the "College and Career Readiness" (CCaRe) Act, relative to integrating academic curriculum and career technical education into the Guam Department of Education's basic curricula.

Testimonies can be submitted in advance to the Office of Speaker Judith T. Won Pat, Ed.D. through email at fbtorres@judiwonpat.com or through facsimile at 472-3589. Copies of the bills are available at www.guamlegislature.com

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at edpocaigue@judiwonpat.com

cc: Sgt at Arms
MIS
DOE
All Media

Frank B. Torres
Sr. Policy Analyst
Office of the Speaker
31st Guam Legislature

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OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
 CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON PUBLIC AFFAIRS
 MEMBERSHIP AND REVENUE

June 21, 2011

COMMITTEE ON FINANCE
 ANNUAL BUDGET, PUBLIC DEBT, BANKING, INSURANCE, RETIREMENT AND LAND

MEMORANDUM

COMMISSIONER

GUAM COMMISSIONER OF EDUCATION
 QUAM FINEA
 (HAWAIIAN)

To: Members of the 31st Guam Legislature
 From: Committee on Education and Public Libraries
 Subject: Notice of Public Hearing – Second Notice

VICE PRESIDENT

ASSOCIATION OF PUBLIC OFFICIALS
 (APO)

The Committee on Education and Public Libraries has scheduled a public hearing for Thursday, June 23, 2011 at 2:00 p.m. in the Public Hearing Room of the Guam Legislature Building on the following:

- The appointment of Jesse T. San Nicolas to serve as a member, Guam Commission for Educator Certifications

BOARD MEMBER

PUBLIC RESOURCES FOR EDUCATION
 (PREL)

- Bill No. 177-31 (LSB) - A.A. Yamashita, Ph.D. / A.B. Palarin, Sr. An act to add a new § 3112.2 of Article 1, Chapter 3, Title 17, Guam Code Annotated relative to creating a safe schools program: School Crime Statistics.

LEGISLATIVE REPRESENTATIVE

PHILIPPINE ISLAND DEVELOPMENT BANK
 (PIIDB)

- Bill No. 178-31 (EA) - V.A. Ade / F.F. Blas, Jr. An act to add a new Article 6 to Chapter 6 of 17G.C.A. relative to authorizing the Department of Education to create and implement a voluntary preschool pilot program.

- Bill No. 179-31 (CWR) - C.M. Dizon. An act to add a new § 31102 to Chapter 34 of Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students, providing funding sources for the program, and using this act as the "Honoring Guam's World Peace Scholarship Program."

- Bill No. 180-31 (CWR) - C.M. Dizon / A.A. Yamashita, Ph.D. An act to add a new Article 14 to Division 1 of Chapter 13, Title 17, Guam Code Annotated, relative to establishing a scholarship program for academically-disadvantaged students, providing funding sources for the program, and using this act as the "Henry Child & Etalado a Higher Education Scholarship Program."

LEGISLATIVE REPRESENTATIVE

PHILIPPINE ISLAND DEVELOPMENT BANK
 (PIIDB)

- Bill No. 181-31 (CWR) - V.A. Ade. An act to add a new Article 6 to Chapter 6 of 17G.C.A. relative to protection of minors' and students' rights.

- Bill No. 182-31 (CWR) - V.A. Ade. An act to add a new Article 7 to Chapter 6 of 17G.C.A. relative to protection of minors' and students' rights.

- Bill No. 183-31 (CWR) - A.A. Yamashita, Ph.D. An act to repeal § 6104 of Chapter 6, Article 1 of Title 17, Guam Code Annotated, relative to sick persons.

- Bill No. 129-31 (CWR) - J.T. Won Pat, Ed.D. / V.A. Ade. An act to add Section 5101.1 of Title 17 Guam Code Annotated relative to Students' Bill of Rights and Responsibilities.

- Bill No. 129-31 (CWR) - Sam Mabot, Ph.D. / J.P. Guterres, DPA Amending § 1114.1 and adding a new sub-item (A) to § 1114.1 of Title 17 Guam Code Annotated, Chapter 4, the "College and Career Readiness" (CCRR) Act, relative to integrating academic curriculum and career technical education into the Guam Department of Education's basic curriculum.

Total Pages Scanned : 2

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Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct



OFFICE OF THE SPEAKER JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

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MUNICIPAL AFFAIRS,
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TAXATION,
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INSURANCE, RETIREMENT
AND LAND

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GUAM COMMISSION ON
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LEGISLATURES
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PACIFIC RESOURCES FOR
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(PREL)

LEGISLATIVE REPRESENTATIVE

PACIFIC ISLAND
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(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

Public Hearing Agenda

The Committee on Education and Public Libraries has scheduled a public hearing for Thursday, June 23, 2011 at 2:00 p.m.

- The appointment of Jesse T. San Nicolas to serve as a member, Guam Commission for Educator Certifications

- **Bill No. 177-31 (LS)** - A.A. Yamashita, Ph.D. / A.B. Palacios, Sr. An act to add a new § 3112.2 of Article 1, Chapter 3, Title 17, Guam Code Annotated relative to creating a safe schools program: School Crime Stoppers.

- **Bill No. 179-31 (LS)** - V.A. Ada / F.F. Blas, Jr. An act to add a new Article 6 to Chapter 6 of 17G.C.A. relative to authorizing the Department of Education to create and implement a voluntary preschool pilot program.

- **Bill No. 192-31 (COR)** - C.M. Duenas An act to add a new § 34102 to Chapter 34 of Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students; providing funding sources for the program; and, citing this act as the "Growing Guam's Work Force Scholarship Program."

- **Bill No. 198-31 (COR)** - C.M. Duenas / A.A. Yamashita, Ph.D. An act to add a new Article 14 to Division 3 of Chapter 15, Title 17, Guam Code Annotated, relative to establishing a scholarship program for economically-disadvantaged students; providing funding sources for the program, and citing this act as the "Every Child is Entitled to a Higher Education Scholarship Program."

- **Bill No. 201-31 (COR)** - V.A. Ada An act to add a new Article 6 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

- **Bill No. 202-31 (COR)** - V.A. Ada An act to add a new Article 7 to Chapter 6 of 17GCA relative to protection of minors' and students' rights.

- **Bill No. 213-31 (COR)** - A.A. Yamashita, Ph.D. An act to repeal § 6108 of Chapter 6, Article 1 of Title 17, Guam Code Annotated, relative to sick persons.

- **Bill No. 229-31 (COR)** - J.T. Won Pat, Ed.D. / V.A. Ada An act to add Section 6101.1 of Title 17 Guam Code Annotated relative to Students' Bill of Rights and Responsibilities.

- **Bill No. 239-31 (COR)** - Sam Mabini, Ph.D. / J.P. Guthertz, DPA Amending §4114.1 and adding a new sub-item (A) to §4114.1 of Title 17 Guam Code Annotated, Chapter 4, the "College and Career Readiness" (CCaRe) Act, relative to integrating academic curriculum and career technical education into the Guam Department of Education's basic curricula.

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 202-31(COR)

Introduced by:

V. Anthony Ada

**AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 6 OF
17GCA RELATIVE TO PROTECTION OF MINORS' AND
STUDENTS' RIGHTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 7 is *added* to Chapter 6 of 17 GCA to read as follows:

Article 7

Mental Health Screening, Child Protection and Informed Consent Act

§7101. Legislative Findings and Intent. *I Liheslaturan Guåhan finds that:*

(a) The use of educational settings to screen children and adolescents for “mental disorders” has led to parents not being given sufficient information about the purpose of such screenings and the ramifications if they consent—such as mandatory psychological or psychiatric treatment for their child and family—thereby violating the recognized requirements and standards regarding “full informed consent.”

(b) Frequently, a system of “passive consent” is used whereby “consent” is considered provided when the parent DOES NOT return the consent form. The onus is, therefore, on the child/adolescent to transmit the consent form to the parent and on the parent ensuring that if consent is not given, the form is signed

2011 MAY 16 PM 2:00-
[Signature]

1 and returned. However, the onus should rest on both the school and the mental
2 health professional or agency seeking to conduct the screening, with criminal
3 penalties if consent is not obtained in writing and the child is subjected to non-
4 consensual screening.

5 (c) “Passive consent” or other consent forms often:

6 i. Mislead parents into thinking that what is taking place at the school is
7 just a health evaluation for their child, not a psychiatric evaluation,

8 ii. Do not include information about the personal and invasive questions
9 their child will be asked,

10 iii. Do not contain information on the difference between “emotional
11 health concerns,” mental disorders or physical diseases—the latter of which can be
12 physically tested for and the former cannot, and

13 iv. Leave the parent with so little information that he or she cannot make
14 a proper informed decision to give valid informed consent.

15 (d) Parents also are not informed that mental health screenings for “mental
16 disorders” are based on those defined in the *Diagnostic and Statistical Manual of*
17 *Mental Disorders* (DSM). However, in the introduction of the DSM-IV it states,
18 “Moreover, although this manual provides a classification of mental disorders, it
19 must be admitted that no definition adequately specifies precise boundaries for the
20 concept of ‘mental disorder.’” Further, “...the term ‘mental’ disorders...persists in
21 the title of DSM-IV because we have not found an appropriate substitute.”

22 (e) Unlike scientific methods to determine physical diseases like cancer,
23 diabetes or tuberculosis, a diagnosis of “mental disorder” or “syndrome” is not
24 based on any medical test, such as a brain scan, a ‘chemical imbalance’ test, X-ray
25 or blood test. The former U.S. Surgeon General, in his 1999 Report on Mental
26 Health— which became a reference for many countries—stated, “The diagnosis of

1 mental disorders is often believed to be more difficult than diagnosis of medical
2 disorders since there is no definitive lesion, laboratory test or abnormality in brain
3 tissue that can identify the illness.”

4 (f) Harvard Medical School’s Dr. Joseph Glenmullen warns that the
5 checklist rating scales used to screen people for conditions such as “depression,”
6 are “designed to fit hand-in-glove with the effects of drugs, emphasizing the
7 physical symptoms of depression that most respond to antidepressant
8 medication...While assigning a number to a patient’s depression may look
9 scientific, when one examines the questions asked and the scales used, they are
10 utterly subjective measures.” He says, “The symptoms are subjective emotional
11 states, making the diagnosis extremely vague.”

12 (g) Based on subjective nature of the mental health diagnostic system and
13 mental health screenings, millions of children are prescribed antidepressants or
14 stimulants recognized by leading drug regulatory agencies as causing suicidal
15 behavior, suicide, violence, hostility and in the case of stimulants, the potential for
16 strokes and heart attacks. In October 2004, the U.S. Food and Drug Administration
17 (FDA) required a “black box” warning of suicide risks for all antidepressants
18 prescribed to under 18 year olds. In August 2005, The Commission of the
19 European Communities that represents 25 countries issued the strongest warning
20 yet against child antidepressant use warning of the drugs potential to cause suicide
21 attempts and suicidal ideation, aggression, hostility (predominantly aggression,
22 oppositional behavior and anger) and/or related behavior. According to the U.S.
23 Drug Enforcement Administration, the stimulant drugs being prescribed to
24 children are scheduled as abusive as opium, morphine and cocaine. In February
25 2006, an FDA Advisory Committee recommended a “black box” warning for
26 stimulants stating that they can cause heart attacks, strokes and even death.

1 (h) As such, Guam’s parents, without explicit protection, will be unable to give
2 informed consent about whether they want their child to participate in such
3 screening.

4
5 I it is the intent of *I Liheslatura* to prohibit the Guam Department of
6 Education from conducting any mental health screen on school children without
7 the informed consent of parents.

8
9 **§7201. Informed Consent Required for mental health screening of students.**

10 The Guam Department of Education shall:

11 (a) Prohibit the use of schools for any mental health or psychological
12 screening or testing of any student, whether a non-emancipated minor or
13 emancipated minor without the express written consent of the parent or
14 guardian.

15 (b) The consent form must be in a clear and legible form and in
16 compliance with any local or federal regulation, in the primary language of
17 the parent, not less than forty-five (45) days in advance of any such
18 screening; and

19 (c) The consent form must be signed by the parent or legally appointed
20 guardian of each minor.

21 **§7301. Contents of Informed Consent Form.** The consent form must include the
22 following information:

23 TO: (parent or guardian) _____

24
25 FROM: (school or organization) _____

1 [Particulars regarding name of screening program, where and when it will take
2 place]

3 **FULL INFORMED CONSENT FOR MENTAL HEALTH OR**
4 **PSYCHOLOGICAL SCREENING**

5 Mental health or psychological screening methods for children and adolescents
6 vary from state to state, but may involve a self-administered computer interview
7 or survey to determine how a student feels emotionally (anxious or worried, sad
8 or depressed) or to judge his or her behavior at the present time or in the past.
9 These questions can cover thoughts or feelings your child has had or thoughts and
10 feelings your child thinks you may have had or currently have about him or her.

11 An outcome could be you are asked to take your child for a follow-up interview or
12 evaluation to determine if he or she has a mental disorder or syndrome. Based on
13 an evaluation of your child's answers, he or she may be diagnosed with a "mental"
14 or "psychiatric disorder." These diagnoses have to be made by a psychologist,
15 psychiatrist or medical doctor, but the subjectivity of this diagnostic process
16 makes it a risk.

17 Questionnaires or tests are frequently based on symptoms outlined in the
18 *Diagnostic and Statistical Manual of Mental Disorders (DSM)* or the mental
19 disorders section of the *International Classification of Diseases (ICD)*. The
20 psychologist, psychiatrist and medical doctor often depend upon these diagnoses
21 in order to bill private or government insurance.

22 The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent and
23 whether or not these constitute a mental disorder are based on the opinion only of
24 the person making the diagnosis. Unlike methods to determine physical diseases

1 like cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or
2 “syndrome” cannot be determined by any physical, medical test, such as a brain
3 scan, a “chemical imbalance” test, X-ray or blood test.

4 Mental health screening could be presented to you as a means of preventing
5 suicide. However, there is no scientific evidence to substantiate this at this time.
6 The U.S. Preventive Services Task Force (USPSTF) studied this and
7 recommended against screening for suicide in 2004, saying that it “found no
8 evidence that screening for suicide risk reduces suicide attempts or mortality.”

9 Commonly psychiatric drugs prescribed to treat mental disorders can have very
10 serious effects on some children. In 2005 the European Committee for Medicinal
11 Products for Human Use (CHMP), which includes members from 25 European
12 Member States determined that antidepressants should not be prescribed to under
13 18-year-olds because they can produce suicidal behavior, including suicide
14 attempts and thinking about suicide and/or related behavior like self-harm,
15 hostility or mood changes.

16 The U.S. Food and Drug Administration ordered that a “black box”—its highest
17 level of drug warning—be placed on antidepressant packaging advising the drugs
18 can induce suicide in children and teens. The FDA also has issued concerns that
19 stimulant drugs prescribed children may cause “psychiatric events,” described as
20 “visual hallucinations, suicidal ideation, psychotic behavior, as well as aggression
21 or violent behavior.”

22 Before consenting to any such screening or survey, the educational facility must
23 provide a manual and other published information which fully describes:

- 1 (i) The nature and purpose of the screening/test or questionnaire.
- 2 (ii) The development of the screening/test or questionnaire, its scientific validity
3 as replicated in scientific studies, the rationale for the screening/test/questionnaire
4 and reliability.
- 5 (iii) Scientific journal citations demonstrating that the proposed screening/test or
6 questionnaire has been proven to be reliable and valid by replicated scientific
7 studies.
- 8 (iv) A guarantee that no screening/test or questionnaire is based or related to any
9 “mental disorder” as covered in the *Diagnostic and Statistical Manual of Mental*
10 *Disorders*.
- 11 (v) The intended use of the results or outcomes of the child or adolescent
12 completing such screening/test or questionnaire.
- 13 (vi) The right to rescind consent at any time before, during or after the
14 screening/test or questionnaire being proposed.

15
16 **Informed Consent for Mental Health Screening**

17 I acknowledge that I have read and understood the above information to the best
18 of my ability and read NAME OF MANUAL, and based on my understanding, I
19 am choosing **one** of the following:

- 20
- 21 (a) **I give my consent** for my child to undergo an evaluation for
22 emotional, behavior, mental, specific learning disabilities, or other
23 health impairments (mental health screening), and require that I be
24 provided in writing any findings determined.

1 (b) Consent means that I do/do not (strike which is inappropriate) give
2 permission for the information obtained from such survey or testing to
3 become part of my child's school or other record or to be transmitted to any
4 other agency outside of the [name of school].

5

6

7

8 _____
(Signature of Parent)

_____ Date

9 (c) **I do not give my consent** for my child to undergo an evaluation for
10 emotional, behavior, mental, specific learning disabilities, or other health
11 impairments (mental health screening).

12

13

14

15 _____
(Signature of Parent)

_____ Date

16

17 **THIS FORM MUST BE RECEIVED BY THE PARENT AT LEAST 45**
18 **DAYS BEFORE THE PLANNED SCREENING. PLEASE ENSURE THIS**
19 **FORM IS RETURNED BEFORE THE SCREENING DATE. YOU HAVE**
20 **THE RIGHT TO REVOKE YOUR CONSENT AT ANY TIME.**