

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1181 POST form; administration duties; compliance training; liability; individualized education program; definitions.

Sec. 1181. (1) The administrator of a public or nonpublic school, or his or her designee, who receives a copy of a POST form from a parent or legal guardian of a pupil enrolled in the school shall ensure that all of the following are met:

(a) The copy of the POST form must be placed in a file created specifically for a copy of a POST form or the revocation of a POST form, in a manner and location to be determined by the administrator of the public or nonpublic school, regardless of whether the form pertains to a pupil with an individualized education program.

(b) If the administrator, or his or her designee, received a copy of a POST form for a pupil during the immediately preceding school year, the administrator, or his or her designee, inquires of the pupil's parent or legal guardian at the beginning of the school year to determine if the POST form is still in effect and requests an updated copy of the form, if applicable.

(c) The administrator, or his or her designee, provides actual notice of the POST form described in this subsection to each teacher or other school employee who provides instructional or noninstructional services directly to the pupil.

(2) The administrator of a public or nonpublic school, or his or her designee, who receives actual notice that a POST form described in subsection (1) has been revoked shall immediately place the revocation in the file described under subsection (1)(a) and shall provide actual notice of the revocation to each teacher or other school employee who provides instructional or noninstructional services directly to the pupil, regardless of whether the revocation pertains to a pupil with an individualized education program.

(3) If a public or nonpublic school has a copy of a POST form in a file described under subsection (1)(a) for a pupil, the board of the school district or intermediate school district that operates the school, the board of directors of the public school academy that operates the school, or the governing body of the nonpublic school that operates the school shall ensure that timely and appropriate training regarding compliance with the POST form is provided to each teacher or other school employee who provides services to the pupil, according to his or her level of responsibility.

(4) All of the following apply:

(a) A school administrator, teacher, or other school employee who calls 9-1-1 in an emergency that threatens the life or health of a pupil described under subsection (1) is not liable in a criminal action or for civil damages as a result of that act.

(b) A school administrator, teacher, or other school employee, who in good faith in accordance with his or her knowledge and ability provides or attempts to provide medical care to a pupil consistent with the pupil's POST form in an emergency that threatens the life or health of the pupil, is not liable in a criminal action or for civil damages as a result of an act or omission in providing or attempting to provide the medical care, except for an act or omission amounting to gross negligence or willful or wanton misconduct.

(c) This subsection does not eliminate, limit, or reduce any other immunity or defense that a person described under subdivision (a) or (b) may have under other state law.

(5) A school district, intermediate school district, public school academy, nonpublic school, member of a school board, or director or officer of a public school academy or nonpublic school is not liable for damages in a civil action for injury, death, or loss to an individual or property allegedly arising from an individual acting under this section. This subsection does not eliminate, limit, or reduce any other immunity or defense that a person described under this subsection may have under other state law.

(6) This section must not be construed to create a right to an individualized education program.

(7) As used in this section:

(a) "Actual notice" means that term as defined in section 5672 of the public health code, 1978 PA 368, MCL 333.5672.

(b) "Individualized education program" means that term as defined in section 1704.

(c) "POST form" means that term as defined in section 5674 of the public health code, 1978 PA 368, MCL 333.5674.

History: Add. 2020, Act 364, Eff. Apr. 4, 2021.

Popular name: Act 451