

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

670W0372

HOUSE BILL NO. 1077

Introduced by: Representatives Stevens, Haugaard, Hunt, Johns, and Verchio and Senators
Van Gerpen and Omdahl

1 FOR AN ACT ENTITLED, An Act to require parental approval to waive a school counselor
2 privilege regarding a student under sixteen.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 19-13-21.1 be amended to read as follows:

5 19-13-21.1. No counselor or school psychologist, certificated in accordance with the
6 certification regulations of the South Dakota Board of Education and regularly employed as
7 counselor or school psychologist for a private or public elementary or secondary school or
8 school system in the State of South Dakota, may divulge to any other person, or be examined
9 concerning any information or communication given to the counselor or school psychologist in
10 the counselor's or school psychologist's official capacity by a student unless:

11 (1) This privilege is waived in writing by ~~the student~~ a parent or legal guardian of any
12 student under the age of sixteen years or by the student if the student is sixteen years
13 of age or older; or

14 (2) The information or communication was made to the counselor or school psychologist
15 for the express purpose of being communicated or of being made public; or



- 1 (3) The counselor or school psychologist has reason to suspect, as a result of that
- 2 information or communication, that the student or some other persons have been
- 3 subjected to child abuse or that the student's physical or mental health or the physical
- 4 or mental health of other persons may be in jeopardy.