



1995 SENATE BILL 62

February 14, 1995 - Introduced by Senators DRZEWIECKI, ROSENZWEIG, PETAK, BRESKE, HELBACH, FARROW, SCHULTZ and DARLING, cosponsored by Representatives PORTER, HOVEN, PLACHE, SCHNEIDERS, COLEMAN, MUSSER, HARSDFORF, UNDERHEIM, GOETSCH, JOHNSRUD, BRANDEMUEHL, LEHMAN, OURADA, ALBERS, NASS, SILBAUGH, AINSWORTH, HAHN, FREESE, DOBYNS, SKINDRUD, SERATTI, GROTHMAN, OWENS, WALKER, LAZICH, OTTE, ZUKOWSKI, HANDRICK, GUNDERSON, KELSO, F. LASEE, HUEBSCH and LORGE. Referred to Committee on Education and Financial Institutions.

- 1 **AN ACT to create** 118.135 of the statutes; **relating to:** pupil rights in research,
2 experimental programs and testing.

Analysis by the Legislative Reference Bureau

Under federal law commonly known as the Hatch Amendment, school boards are required to make available to their pupils' parents or guardians all instructional material that will be used with any psychiatric or psychological research or experimentation. The Hatch Amendment also prohibits any psychiatric or psychological examination, testing or treatment the primary purpose of which is to reveal information concerning political affiliations, mental or psychological problems, sexual behavior or attitudes, illegal or antisocial behavior, critical appraisals of family members, privileged relationships or income without the pupil's consent if he or she is an adult or emancipated minor, or without the consent of the pupil's parent or guardian if the pupil is an unemancipated minor. The Hatch Amendment is applicable, however, only to those programs that receive federal funds.

This bill codifies the Hatch Amendment into the state statutes, thus requiring all school boards in this state to comply regardless of the receipt of federal funds. The bill makes 2 changes:

1. The bill prohibits any psychiatric or psychological examination, testing or treatment the *intent of which* (instead of the *primary purpose of which*) is to reveal any of the specified kinds of information.
2. The bill includes religious beliefs or practices in the list of the kinds of information that are protected.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 118.135 of the statutes is created to read:

118.135 Pupil rights in research, experimental programs and testing.

(1) DEFINITIONS. In this section:

(a) "Psychiatric or psychological examination or test" means a method, including a group activity, that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings.

(b) "Psychiatric or psychological research or experimentation program or project" means any program or project in a public school that is designed to explore or develop new or unproven teaching methods or techniques designed to affect behavioral, emotional or attitudinal characteristics of an individual or group.

(c) "Psychiatric or psychological treatment" means an activity involving the planned, systematic use of methods or techniques designed to affect the behavioral, emotional or attitudinal characteristics of an individual or group.

(2) RIGHTS. Each school board shall do the following:

(a) Make available for inspection by the parents and guardians of pupils enrolled in the school district who are under the age of 21 and are involved in any psychiatric or psychological research or experimentation program or project all instructional material, including teacher's manuals, films, tapes and other supplementary instructional material, that will be used with the program or project.

(b) Ensure that no pupil is required as part of any program, project, class, course or activity in the school to submit without the pupil's consent, if the pupil is an adult or an emancipated minor, or without the written consent of the pupil's parent or guardian, if the pupil is an unemancipated minor, to a psychiatric or psychological examination or test, or to psychiatric or psychological treatment, the intent of which is to reveal information about any of the following:

1. Political affiliations.

