

1999 DRAFTING REQUEST

Bill

Received: **08/10/1999**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Missy**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **MJL**

Pre Topic:

No specific pre topic given

Topic:

Privileged communications

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 08/11/1999	wjackson 08/20/1999		_____			
/1			mclark 08/20/1999	_____	lrb_docadmin 08/20/1999	lrb_docadmin 09/24/1999	

FE Sent For:

<END>

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/?	grantpr	/1 WLj 8/20	mrc 8/20	<u>MRC/jlg</u> <u>8/20</u>			

FE Sent For:

<END>

Missy - S. Walker

8-9-80

87 AB 429

1650

report + 2 amendments

- Walker

Schneid

soon

1997 ASSEMBLY BILL 429

June 17, 1997 - Introduced by Representatives WALKER, STASKUNAS, JENSEN, PLALE, GREEN, ZIEGELBAUER, DUFF, GRONEMUS, GARD, GOETSCH, MURAT, HARS DORF, HASENOHRL, LAZICH, LADWIG, UNDERHEIM, ALBERS, KEDZIE, HAHN, KELSO, MUSSER, SYKORA, SCHAFFER, SERATTI, WARD, NASS and GROTHMAN, cosponsored by Senators ROSENZWEIG, GROBSCHMIDT, DARLING, WEEDEN, WELCH and COWLES. Referred to Committee on Education.

regenerate

1 AN ACT to amend 118.126 (1) (intro.), (a) and (b); and to create 118.126 (1) (d)
2 of the statutes; relating to: information received by a school official regarding
3 a pupil's use by a pupil of alcohol or other drugs.

Analysis by the Legislative Reference Bureau

Under current law, a school psychologist, counselor, social worker and nurse, ^{three} and any teacher or administrator designated by a school board who engages in alcohol or drug abuse program activities, must keep confidential information received from a pupil that the pupil or another pupil is using ^{alcohol or other drugs} or experiencing problems resulting from the use of alcohol or other drugs. There are exceptions to this confidentiality requirement:

- 1. The pupil consents to disclosure. ^{has reason to believe}
- 2. The school employee ^{believes} that there is serious and imminent danger to the health, safety or life of any person and that disclosure of the information will alleviate the danger.
- 3. The information is required to be reported under the child abuse reporting law.

~~This bill provides a 4th exception to the confidentiality requirement. Under the bill, the school employee may disclose information received from the pupil if the school employee has reason to believe that the pupil revealing the information or a pupil~~

Keep ->

three
Keep comma

ASSEMBLY BILL 429

about whom information is revealed possesses alcohol, a controlled substance or controlled substance analog.

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

1 SECTION 1. 118.126 (1) (intro.), (a) and (b) of the statutes are amended to read:

2 118.126 (1) (intro.) A school psychologist, counselor, social worker and nurse,
3 ~~and any teacher or administrator designated by the school board who engages in~~
4 ~~alcohol or drug abuse program activities,~~ shall keep confidential information
5 received from a pupil that the pupil or another pupil is using or is experiencing
6 problems resulting from the use of alcohol or other drugs unless one or more of the
7 following apply:

8 (a) The pupil using or experiencing problems resulting from the use of alcohol
9 or other drugs consents in writing to disclosure of the information;

10 (b) The school psychologist, counselor, social worker, nurse, teacher or
11 administrator has reason to believe that there is serious and imminent danger to the
12 health, safety or life of any person and that disclosure of the information to another
13 person will alleviate the serious and imminent danger. ^{INS. 2-13} No more information than
14 is required to alleviate the serious and imminent danger may be disclosed; or,

15 SECTION 2. 118.126 (1) (d) of the statutes is created to read:

16 118.126 (1) (d) The school psychologist, counselor, social worker, nurse, teacher
17 or administrator has reason to believe that the pupil revealing the information or a
18 pupil about whom information is revealed possesses alcohol, a controlled substance,
19 as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01
20 (4m).

21 while acting in his
or her official capacity

**ASSEMBLY AMENDMENT 2,
TO 1997 ASSEMBLY BILL 429**

March 19, 1998 - Offered by Representatives SCHNEIDER, WALKER and NASS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 2: delete "and" and substitute "and,".

3 2. Page 2, line 3: delete lines 3 to 5 and substitute "and any teacher or
4 administrator designated by the school board who engages in alcohol or drug abuse
5 program activities, shall keep confidential information received from a pupil while
6 acting in his or her official capacity that the a pupil or another pupil is using or is
7 experiencing".

8 3. Page 2, line 17: delete "the pupil revealing the information or".

9 4. Page 2, line 20: after that line insert:

10 ~~SECTION 118.126~~ 118.126 (2) of the statutes is amended to read:

11 118.126 (2) A school psychologist, counselor, social worker or, nurse, or any
12 teacher or administrator designated by the school board who engages in alcohol or
13 drug abuse program activities, who in good faith discloses or fails to disclose

1 information under sub. (1) is immune from civil liability for such acts or omissions.

2 This subsection does not apply to information required to be reported under s.

3 48.981. ~~1~~

4

(END)

(A)

¶ This bill requires a school psychologist,
counselor, counselor, social worker, nurse, teacher
or administrator to keep confidential
information received while acting in his
or her official capacity that a pupil
is using ^{alcohol or other drugs} or is experiencing problems
resulting from the use of alcohol or
other drugs. The bill retains the
three exceptions ~~as~~ described above ~~and~~ and
provides that the same exception is
satisfied if the school psychologist,
counselor, counselor, social worker, nurse, teacher
or administrator has reason to believe
that a pupil about whom information
is ^{revealed} revealed possesses alcohol or drugs.

(END INSERT A)

INSERT
2-13

**ASSEMBLY AMENDMENT 1,
TO 1997 ASSEMBLY BILL 429**

February 17, 1998 - Offered by Representative WALKER.

1
2
3
4
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10

At the locations indicated, amend the bill as follows:

1. Page 2, line 13: after "danger." insert "If the school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that ~~the pupil~~ ~~revealing the information~~ a pupil about whom information is revealed possesses alcohol, a controlled substance, as defined in s. 961.01 (4),[✓] or a controlled substance analog, as defined in s. 961.01 (4m),[✓] that belief constitutes a belief that there is serious and imminent danger to the health, safety or life of any person under this paragraph[✓]."

2. Page 2, line 15: delete lines 15 to 20.

(END)

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 08/20/1999

To: Representative Walker

Relating to LRB drafting number: LRB-3405

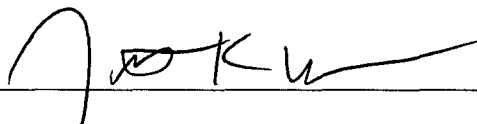
Topic

Privileged communications

Subject(s)

Education - miscellaneous

1. **JACKET** the draft for introduction



in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the

drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362