

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 478

Relating to: physical health examinations of pupils.

By Representatives Rhoades, Gundrum, Ainsworth, Duff, Goetsch, Grothman, Gunderson, Hahn, Handrick, Huebsch, Hundertmark, Johnsrud, Kedzie, Kestell, Kreibich, Ladwig, F. Lasee, Montgomery, Nass, Ott, Owens, Petrowski, Pettis, Powers, Skindrud, Spillner, Stone, Vrakas, Walker, Wieckert, Leibham and Albers; cosponsored by Senators Drzewiecki, Plache, Darling and A. Lasee.

September 20, 1999 Referred to committee on Children and Families.

September 20, 1999 **PUBLIC HEARING HELD**

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Coggs and Colon.

Absent (0) None.

Excused: (1) Representative Sinicki.

Appearances for

- State Representative Kitty Rhoades, 30th Assembly District

Appearances against

- Bob Andersen, Wisconsin Council on Children and Families
- Jennifer Kammerud, School Administrators Alliance

Appearances for Information Only

- None.

Registrations for

- State Representative Rick Skindrud, 79th Assembly District
- Marvin Munyon, Family Research Institute

Registrations against

- None.

September 22, 1999 **EXECUTIVE SESSION**

Present: (10) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs,
Colon and Sinicki.

Absent: (0) None.

Moved by Representative Jeskewitz, seconded by Representative
Kestell, that **Assembly Amendment 1** be recommended for
adoption.

Ayes: (10) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs,
Colon and Sinicki.

Noes: (0) None.

Absent: (0) None.

ADOPTION RECOMMENDED, Ayes 10, Noes 0, Absent 0

Moved by Representative Jeskewitz, seconded by Representative
Kreibich, that **Assembly Bill 478** be recommended for passage as
amended.

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs and
Colon.

Noes: (1) Representative Sinicki.

Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 1,
Absent 0

Janine Hale
Committee Clerk

Assembly

Committee Report

The committee on **Children and Families**, reports and recommends:

Assembly Bill 478

Relating to: physical health examinations of pupils.

By Representatives Rhoades, Gundrum, Ainsworth, Duff, Goetsch, Grothman, Gunderson, Hahn, Handrick, Huebsch, Hundertmark, Johnsrud, Kedzie, Kestell, Kreibich, Ladwig, F. Lasee, Montgomery, Nass, Ott, Owens, Petrowski, Pettis, Powers, Skindrud, Spillner, Stone, Vrakas, Walker, Wieckert, Leibham and Albers; cosponsored by Senators Drzewiecki, Plache, Darling and A. Lasee.

ADOPTION OF ASSEMBLY AMENDMENT 1, Ayes 10, Noes 0,
Absent 0

Ayes: (10) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs,
Colon and Sinicki.

Noes: (0) None.

Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 1,
Absent 0

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs and
Colon.

Noes: (1) Representative Sinicki.

Absent: (0) None.

Representative Bonnie Ladwig
Chair



WISCONSIN COALITION FOR ADVOCACY

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

September 20, 1999

To: Members of the Assembly Committee on Children and Families

From: Dianne Greenley
Supervising Attorney
Wisconsin Coalition for Advocacy

Re: LRB 3553/2, Relating to Access by a Parent to Records Relating to the Parent's Child
LRB 3510/1, Relating to Surveys, Analyses and Evaluation of Pupils
[REDACTED] Relating to Physical Health Examinations of Pupils

LRB 3553/2, Relating to Access by a Parent to Records Relating to the Parent's Child

We have not had an opportunity to review this bill draft carefully. However, we do have concerns about immediate parental access to mental health records in certain circumstances. Over the years I have received many phone calls from treatment providers concerning parental access to therapy records by a parent who has engaged in physical or sexual abuse of the child. There is legitimate concern about the parent using the information to reabuse the child and/or to terminate the child's treatment. Under current law the treatment provider can withhold access during the child's treatment if they make a determination that "the benefits of allowing access are outweighed by the disadvantages of allowing access." (HSS 92.05 (1) (b) 1.; Sec. 51.30 (5) (b) 1., Wis. Stats.) I do not believe that this provision should be changed. In fact many individuals have urged that this provision be extended to access after treatment has been terminated so that vulnerable children can be protected. I would also like to point out that federal law specifically requires a minor's consent before a parent can have access to drug or alcohol abuse treatment records. See 42 CFR Part 2.

LRB 3510/1, Relating to Surveys, Analyses and Evaluations of Pupils

We would like to see an ^{analysis} ~~analysis~~ of this bill by the Department of Public Instruction to ensure that it would not interfere with evaluations required under special education law.

LRB 3483/2, Relating to Physical Health Examinations of Pupils

We would urge an amendment to this bill to clarify that examinations in emergency situations are clearly permitted.