

Assembly

Committee Report

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

Assembly Bill 496

Relating to: information received by a school official regarding a pupil's use of alcohol or other drugs.

By Representatives Walker, Kaufert, Ainsworth, Albers, Freese, Goetsch, Gunderson, Hahn, Hoven, Hundertmark, Jensen, Jeskewitz, Kedzie, Kelso, Ladwig, La Fave, M. Lehman, Musser, Nass, Petrowski, Plale, Seratti, Staskunas, Stone, Suder, Vrakas and Ziegelbauer; cosponsored by Senators Darling, Farrow, A. Lasee, Panzer, Roessler, Schultz and Zien.

ADOPTION OF ASSEMBLY AMENDMENT 1 TO ASSEMBLY
SUBSTITUTE AMENDMENT 1, Ayes 9, Noes
1, Absent 0

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

Noes: (1) Representative Freese.

Absent: (0) None.

ADOPTION OF ASSEMBLY SUBSTITUTE AMENDMENT 1, Ayes
9, Noes 1, Absent 0

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

Noes: (1) Representative Freese.

Absent: (0) None.

INTRODUCTION OF ASSEMBLY SUBSTITUTE 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.

INTRODUCTION OF ASSEMBLY AMENDMENT 1 TO
ASSEMBLY SUBSTITUTE 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 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.

Representative Bonnie Ladwig
Chair

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 496

Relating to: information received by a school official regarding a pupil's use of alcohol or other drugs.

By Representatives Walker, Kaufert, Ainsworth, Albers, Freese, Goetsch, Gunderson, Hahn, Hoven, Hundertmark, Jensen, Jeskewitz, Kedzie, Kelso, Ladwig, La Fave, M. Lehman, Musser, Nass, Petrowski, Plale, Seratti, Staskunas, Stone, Suder, Vrakas and Ziegelbauer; cosponsored by Senators Darling, Farrow, A. Lasee, Panzer, Roessler, Schultz and Zien.

October 5, 1999 Referred to committee on Children and Families.

October 21, 1999 **PUBLIC HEARING HELD**

Present: (8) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller and Sinicki.
Absent: (1) Representatives Coggs
Excused: (1) Representative Colon.

Appearances for

- Representative Scott Walker, 14th Assembly District

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- Bill Cosh, Wisconsin Association of School Boards

October 26, 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 Substitute Amendment 1** be recommended for introduction.

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

Noes: (0) None.

Absent: (0) None.

INTRODUCTION RECOMMENDED, Ayes 10, Noes 0, Absent 0

Moved by Representative Sinicki, seconded by Representative Jeskewitz, that **Assembly Amendment 1 to Assembly Substitute Amendment 1** be recommended for introduction.

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

Noes: (0) None.

Absent: (0) None.

INTRODUCTION RECOMMENDED, Ayes 10, Noes 0, Absent 0

Moved by Representative Freese, seconded by Representative Grothman, that **Assembly Amendment 1 to Assembly Substitute Amendment 1** be recommended for rejection.

Ayes: (1) Representative Freese.

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

Absent: (0) None.

REJECTION NOT RECOMMENDED, Ayes 1, Noes 9, Absent 0

Moved by Representative Miller, seconded by Representative Sinicki, that **Assembly Amendment 1 to Assembly Substitute Amendment 1** be recommended for adoption.

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

Noes: (1) Representative Freese.
Absent: (0) None.

ADOPTION RECOMMENDED, Ayes 9, Noes 1, Absent 0

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

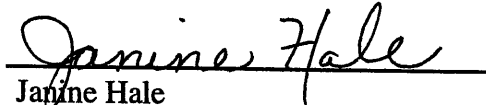
Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Grothman, Kestell, Miller, Coggs, Colon and Sinicki.
Noes: (1) Representative Freese.
Absent: (0) None.

ADOPTION RECOMMENDED, Ayes 9, Noes 1, Absent 0

Moved by Representative Freese, seconded by Representative Jeskewitz, that **Assembly Bill 496** be recommended for passage as amended.

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 10, Noes 0,
Absent 0


Janine Hale
Committee Clerk

Assembly

RECEIVED
OCT 21 A.M.

EXECUTIVE SESSIONS

Committee on Children and Families

The committee will hold an Executive session on the following item at the time specified below:

October 20, 1969
9:00 a.m.
328 Northwest

Assembly Bill 496

Relating to: information received by a school official regarding a pupil's use of alcohol or other drugs.

By Representatives Walker, Kaufert, Ainsworth, Albers, Freese, Goetsch, Gunderson, Hahn, Hoven, Hundertmark, Jensen, Jeskewitz, Kedzie, Kelso, Ladwig, La Fave, M. Lehman, Musser, Nass, Petrowski, Plale, Seratti, Staskunas, Stone, Suder, Vrakas and Ziegelbauer; cosponsored by Senators Darling, Farrow, A. Lasee, Panzer, Roessler, Schultz and Zien.

Representative Bonnie Ladwig
Chair



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: November 1, 1999

TO: REPRESENTATIVE BONNIE LADWIG AND MEMBERS OF THE
ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: 1999 Assembly Bill 496, Relating to Information Received by a School
Official Regarding a Pupil's Use of Alcohol or Other Drugs and Assembly
Amendment 1 to the Bill

This memorandum describes 1999 Assembly Bill 496, relating to information received by a school official regarding a pupil's use of alcohol or other drugs and Assembly Amendment 1 to the bill. Assembly Bill 496 was introduced by Representative Walker, cosponsored by Senator Darling, on October 5, 1999. The bill was referred to the Assembly Committee on Children and Families which held a public hearing on the bill on October 21, 1999 and voted to recommend passage of the bill on October 26, 1999.

A. CURRENT LAW

Under current law, a school psychologist, counselor, social worker and nurse, and any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, must keep information received from a pupil that the pupil or another pupil is using or is experiencing problems resulting from the use of alcohol or other drugs confidential unless one of the following conditions is met:

1. The pupil using or experiencing problems resulting from the use of alcohol or other drugs consents in writing to disclosure of the information.
2. The school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that there is serious and imminent danger to the health, safety or life of any person and that disclosure of the information to another person will alleviate the serious and imminent danger. Under this provision, no more information than is required to alleviate the serious and imminent danger may be disclosed.

3. The information is required to be reported under current law relating to reporting suspected child abuse or neglect.

A school psychologist, counselor, social worker or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, who in good faith discloses or fails to disclose information as described above is immune from civil liability for such acts or omissions. However, this provision does not apply to information required to be reported under current law relating to reporting suspected child abuse or neglect.

B. ASSEMBLY BILL 496

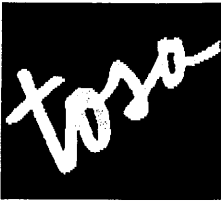
Assembly Bill 496 modifies to whom the confidentiality provision described above applies. Under the bill, it applies to a school psychologist, counselor, social worker, nurse, teacher or administrator who is acting in his or her official capacity and who receives information that a pupil is using or experiencing problems resulting from the use of alcohol or other drugs. In addition, the bill provides that if a school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that a pupil about whom information is revealed possesses alcohol, a controlled substance or a controlled substance analog, that belief constitutes a belief that there is serious and imminent danger to the health, safety or life of any person as provided in the second exception to confidentiality, described above.

C. ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 deletes the language created by the bill which modifies to whom the confidentiality provisions apply so that they apply to the same school personnel as under current law. In addition, the substitute amendment provides that if a school psychologist, counselor, social worker, nurse, teacher or administrator has *personal knowledge* that a pupil about whom information is revealed possesses alcohol, a controlled substance or a controlled substance analog, that knowledge constitutes a reason to believe that there is a serious and imminent danger to the health, safety or life of any person.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:rv;jal



WAUWATOSA SCHOOL DISTRICT

Student Services • 12121 W. North Ave. • Wauwatosa, WI 53226
(414) 773-1080 • FAX: (414) 773-1089

Scott Walker
State Capitol
P.O. Box 8953
Madison, WI 53708-8953

October 25, 1999

Dear Representative Walker;

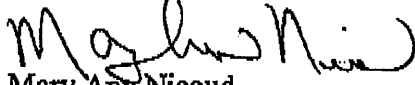
The school counselors of the Wauwatosa School District would like to express support for Assembly Bill 496 and express great concern over AB 481. We believe that parent involvement in school counseling issues is important, particularly when a student uses, consumes or possesses drugs and/or alcohol at school or school-sponsored activities. We feel the public might be unaware that the goal of good school counseling is to inform parents of problems their students disclose. Our role is to assist students in solving their problems and to teach them the problem solving process, which almost always includes the involvement of their parents. However, the counseling process takes time and young people need time to ready themselves to begin to work on solutions to their problems.

Students who seek out school counselors are asking for solutions and for the most part, want to include their parents. The school counselor facilitates this involvement and needs the time it takes to counsel students in order to achieve this. The students we have spoken to about AB 481 tell us they value the relationship of other caring adults in their lives and that school counseling provides an important source of support for them.

While we put student safety above all and therefore support AB 496, we feel the valuable work of the school counselor, who is trained to facilitate communication between parents and students, will be greatly compromised if AB 481 is enacted. The feedback we get from students regarding AB 481 is that those who need help communicating with their parents about their alcohol or drug use will avoid the school counselor for fear of premature disclosure and their parents will remain uninformed.

We would be happy to discuss this issue with you.

On Behalf of the Wauwatosa School District Counselors,


Mary Ann Nicoud
K-12 Guidance Coordinator