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1997 SENATE BILL 103

March 4, 1997 – Introduced by Senators Rosenzweig, Grobschmidt, Huelsman, Darling, Weeden, Welch and Cowles, cosponsored by Representatives Walker, Staskunas, Jensen, Plale, Green, Ziegelbauer, Duff, Gronemus, Gard, Goetsch, Murat, Harsdorf, Hasenohrl, Lazich, Ladwig, Underheim, Albers, Kedzie, Hahn, Kelso, Musser, Sykora, Schafer, Seratti, Ward, Nass and Grothman. Referred to Committee on Education.

- 1 AN ACT to amend 118.126 (1) (intro.), (a) and (b); and to create 118.126 (1) (d)
- of the statutes; **relating to:** information received by a school official regarding

Analysis by the Legislative Reference Bureau

Under current law, a school psychologist, counselor, social worker and nurse, 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 or experiencing problems resulting from the use of alcohol or other drugs. There are 3 exceptions to this confidentiality requirement:

1. The pupil consents to disclosure.

the use by a pupil of alcohol or other drugs.

- 2. The school employe 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 employe may disclose information received from the pupil if the school employe has reason to believe that the pupil revealing the information or a pupil

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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:

SECTION 1. 118.126 (1) (intro.), (a) and (b) of the statutes are amended to read: 118.126 (1) (intro.) 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, shall keep confidential 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 unless one or more of the following apply:

- (a) The pupil using or experiencing problems resulting from the use of alcohol or other drugs consents in writing to disclosure of the information;
- (b) 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. No more information than is required to alleviate the serious and imminent danger may be disclosed; or,

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

118.126 (1) (d) The school psychologist, counselor, social worker, nurse, teacher or administrator has reason to believe that the pupil revealing the information or 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).