

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 128

As Amended by Senate Committee on
Education

Brief*

SB 128 would create a confidentiality privilege applicable to school counselors and school psychologists to protect communication between them and students. Under the bill, communication would be privileged unless:

- The privilege is waived in writing by the pupil;
- The information or communication is made to the counselor or school psychologist for the express purpose of being communicated or of being made public;
- The counselor or school psychologist has reason to suspect that the pupil or other persons have been subjected to child abuse or that the physical or mental health of the pupil or other persons may be in jeopardy; or
- The counselor or school psychologist has reason to suspect that the pupil or some other person has committed or intends to commit a felony or, if the pupil is a juvenile, an act that would constitute the commission of a felony if committed by an adult, or any offense specified in KSA 72-89c02.

Background

SB 128 was supported in the Senate Education Committee by representatives of the Kansas National Education Association, the Kansas Association of School Boards, the District Coordinator for

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrld>

Counselors for USD 229 (Blue Valley), the Coordinator of Guidance and Counseling for USD 501 (Topeka), the Kansas Association of School Psychologists, and the Mental Health Credentialing Coalition. Conferees explained that students need to believe that they can confide in school counselors and school psychologists with the knowledge that their conversations will remain private, within certain limits.

The Senate Education Committee amended the bill to add another exception to the confidentiality privilege, that being that the privilege is waived if the counselor or school psychologist has reason to suspect that the pupil or some other person has committed or intends to commit a felony or, if the pupil is a juvenile, an act that would constitute the commission of a felony if committed by an adult, or any offense specified in KSA 72-89c02. KSA 72-89c02 concerns school safety violations, such as possession of a weapon, controlled substance, or illegal drug at school, upon school property or at school-supervised activities.

There would be no fiscal impact to the state as the result of the passage of SB 128.