

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:36 p.m. on February 18, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Downey (excused)

Committee staff present: Kathie Sparks, Legislative Research
Theresa Kiernan, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Mark Desetti, KNEA
Christy Levings, KNEA
Theresa Kiernan, Revisor of Statutes
Pat Baker, KASB
Dr. David Hurt, Coordinator for Counselors, USD 229, Blue Valley
Rose Ann Haberman, Coordinator of Guidance & Counseling, USD 501, Topeka
Bob Clark, KS Association of School Psychologists
Gary Price, Mental Health Credentialing Coalition

Others attending: List not completed

Read Across America

Mark Desetti, KNEA, presented the annual Read Across America program and provided a children's book to each Committee member which can be read to school children and donated to a school library on March 3rd which is the date to celebrate the birthday of Dr. Seuss. This year they chose to honor the 100th anniversary of flight. Christy Levings told the Committee about the celebration of the 99th birthday of Dr. Seuss that will take place on March 3rd at the Cosmosphere in Hutchinson. (Attachment 1)

SB128–Communications between pupils and school counselor or psychologist

Theresa Kiernan gave the Committee a brief description of **SB128**. **SB128** would provide a privilege of communication between a pupil and a counselor or school psychologist. It would make an exception if a person is a mandated reporter under current law or if the privilege is waived in writing by the pupil or if the communication was made with the expressed purpose of being communicated or if the school counselor has reason to believe the pupil is a victim of child abuse or that the pupil or another person's physical or mental health may be in jeopardy.

Mark Desetti, KNEA testified in support of **SB128**. KNEA believes school counselor's jobs have changed over the years, that they are no longer just advisors, but they also listen to students who share

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their frustrations and stresses. Students should be able to talk to counselors and expect conversations to be privileged. This bill provides exceptions when conversations are not expected to be privileged, such as, when a child or another person is in danger. (Attachment 2)

Patricia Baker, KASB appeared in support of **SB128**. KASB believes granting protective privilege to school counselors and psychologists will encourage students to confide in professionals and to seek help with problems. KASB suggests adding an amendment that would provide immunity to school employees and to school districts when acting in good faith pursuant to this act to avoid adversarial proceedings. (Attachment 3)

Dr. David Hurt, District Coordinator for Counselors, Blue Valley School District believes that confidentiality is critical to gaining a client's trust. They believe passage of **SB128** will potentially have a significant impact on the actual day-to-day counselor-student relationship. The bill clarifies the legal and ethical dilemma faced by school counselors and psychologists when they receive information that students expect will remain private and confidential. (Attachment 4)

Roseanne Haberman, LPC, Coordinator of Guidance and Counseling, USD 501 Topeka, believes privileged communication is vital in any counseling situation but that it is especially true when working with young people. **SB128** gives school counselors and school psychologists the protection needed in building counseling relationships with students. (Attachment 5)

Bob Clark, Kansas Association of School Psychologists, supports **SB128** in general, but had concerns about parental rights if the bill is intended to keep student communication from parents and concern if students with disabilities are capable of giving informed consent in waiving their right to confidentiality. (Attachment 6)

Gary Price, Mental Health Credentialing Coalition, testified in favor of **SB128** for Ron Hein. They believe confidentiality is an important issue for all mental health professionals and believe that confidentiality provisions should be extended to both school counselors and school psychologists. (Attachment 7)

The Committee asked questions of all the conferees and continued discussion after the testimony was completed.

Senator Vratil made a motion to amend **SB128** in subsection 3, section 1, line 27 adding words "or has committed a felony or intends to commit a felony." Seconded by Senator Emler. It was suggested by Pat Baker, KASB that the same definition be used as already defined in the Safe Schools Act to have some uniformity. Senator Vratil agreed to change his amendment and amend according to Pat Baker's recommendation. Senator Emler agreed. Motion carried.

Senator Vratil made a motion to recommend **SB128** as amended favorably for passage. Seconded by Senator Emler. Motion carried.

SB22–Capital outlay fund; computers and software

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Chairman Umbarger explained that **SB22** and **SB83** have some of the same provisions and entertained a motion to amend the contents of **SB83** into **SB22**.

Senator Teichman made a motion to amend the contents of **SB83** into **SB22**. Seconded by Senator Vratil. Motion carried with one no vote from Senator Schodorf.

Senator Teichman made a motion to recommend **SB22** favorably for passage as amended. Seconded by Senator Vratil. Motion carried with three no votes from Senators Schodorf, Bunten and Emler.

Senator Bunten made a motion to approve the minutes for February 6, 10 and 11. Seconded by Senator Teichman. Motion carried.

Meeting adjourned at 2:30 p.m. The next meeting is scheduled for February 19, 2003 at 1:30 p.m. in Room 123S.