Senate Bill 88

Introduced by: Senator Phil Jensen

An Act to require parental notification of self-injurious behavior expressed during counseling sessions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added:


If a counselor, school psychologist, or social worker, employed by a school district or nonpublic school in this state, determines during a counseling session that a student under the age of eighteen is articulating feelings of gender dysphoria, or determines that a student under the age of eighteen is articulating an interest in self-injurious behavior, the counselor, psychologist, or social worker shall provide notice of the determination to a parent of the student.

Section 2. That § 19-19-508.1 be AMENDED:

19-19-508.1. Student and counselor, psychologist, or social worker--Exceptions.

No counselor or school psychologist, certificated in accordance with the certification regulations of the South Dakota Board of Education Standards, or social worker licensed under chapter 36-26 and regularly employed as a school district or nonpublic school in this state, may divulge to any other person, or be examined concerning any information or communication given to the counselor, school psychologist, or social worker in the counselor's, school psychologist's, or social worker's official capacity by a student unless:

(1) This privilege is waived in writing by the student; or
(2) The information or communication was made to the counselor, school psychologist, or social worker for the express purpose of being communicated or of being made public; or

(3) The counselor, school psychologist, or social worker has reason to suspect, as a result of that information or communication, that the student or some other person has been subjected to child abuse or that the student's physical or mental health or the physical or mental health of another person may be in jeopardy.