



2020 South Dakota Legislature

Senate Bill 88

Introduced by: **Senator Phil Jensen**

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

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

4 **Section 1.** That a NEW SECTION be added:

5 **13-33A-12. Counseling services--Parental notification--Requirement.**

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

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

13 **19-19-508.1. Student and counselor, psychologist, or social worker--**
 14 **Exceptions.**

15 ~~No counselor or school psychologist, certificated in accordance with the certification~~
 16 ~~regulations of the South Dakota Board of Education Standards, or social worker licensed~~
 17 ~~under chapter 36-26 and regularly employed as a~~ Except as otherwise required in § 13-
 18 33A-12 or permitted in accordance with the Family Educational Rights and Privacy Act, 20
 19 U.S.C. § 1232g, no counselor, school psychologist, or social worker for a private or public
 20 elementary or secondary school or school system in the State of South Dakota, employed
 21 by a school district or nonpublic school in this state, may divulge to any other person, or
 22 be examined concerning any information or communication given to the counselor, school
 23 psychologist, or social worker in the counselor's, school psychologist's, or social worker's
 24 official capacity by a student unless:

25 (1) This privilege is waived in writing by the student; ~~or~~

- 1 (2) The information or communication was made to the counselor, school psychologist,
2 or social worker for the express purpose of being communicated or ~~of~~ being made
3 public; or
- 4 (3) The counselor, school psychologist, or social worker has reason to suspect, as a
5 result of that information or communication, that the student or some other ~~persons~~
6 ~~have~~ person has been subjected to child abuse or that the student's physical or
7 mental health or the physical or mental health of ~~other persons~~ another person may
8 be in jeopardy.