

AN ACT

ENTITLED, An Act to clarify that certain communications between school psychologists and students are privileged.

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

Section 1. That § 19-13-21.1 be amended to read as follows:

19-13-21.1. No counselor or school psychologist, certificated in accordance with the certification regulations of the South Dakota Board of Education and regularly employed as counselor or school psychologist for a private or public elementary or secondary school or school system in the State of South Dakota, may divulge to any other person, or be examined concerning any information or communication given to the counselor or school psychologist in the counselor's or school psychologist'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 or school psychologist for the express purpose of being communicated or of being made public; or
- (3) The counselor or school psychologist has reason to suspect, as a result of that information or communication, that the student or some other persons have been subjected to child abuse or that the student's physical or mental health or the physical or mental health of other persons may be in jeopardy.

An Act to clarify that certain communications between school psychologists and students are privileged.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1067

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1067
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State