FOR 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 him the counselor or school psychologist in his the counselor's or school psychologist's official capacity by a student or an adult offering the communication or information unless:

(1) This privilege is waived in writing by the student or the adult offering the communication or information; 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 has been subjected to child abuse or that the student's physical or mental health may be in jeopardy.