

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 481

Relating to: access by a parent to records relating to the parent's child.

By Representatives Hundertmark, Jensen, Skindrud, Ladwig, Pettis, Kestell, Hahn, Staskunas, Gunderson, Ainsworth, Porter, Albers, Stone and Kedzie; cosponsored by Senator Darling.

September 20, 1999 Referred to committee on Children and Families.

September 20, 1999 **PUBLIC HEARING HELD**

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Coggs and Colon.

Absent (0) None.

Excused: (1) Representative Sinicki.

Appearances for

- State Representative Jean Hundertmark, 40th Assembly District
- State Representative Rick Skindrud, 79th Assembly District
- Sharon K. Christian; Mount Horeb, Wisconsin

Appearances against

- Jennifer Kammerud, School Administrators Alliance
- Mike Thompson, Department of Public Instruction

Appearances for Information Only

- Mickey Beil, Milwaukee Public Schools
- Dianne Greenley, Wisconsin Coalition for Advocacy
- Kevin Lewis, Department of Health and Family Services

Registrations for

- None.

Registrations against

- Bob Andersen, Wisconsin Council on Children and Families
- Sarah Diedrick-Kasdorf, Wisconsin Counties Association

- Jan Conwell, Wisconsin Student Assistance Association
- Marvin Munyon, Family Research Institute

September 22, 1999 **EXECUTIVE SESSION**

Present: (10) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Coggs, Colon and Sinicki

Absent: (0) None.

Moved by Representative Grothman, seconded by Representative Kreibich, that **Assembly Amendment 1** be recommended for introduction.

Ayes: (10) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Coggs, Colon and Sinicki.

Noes: (0) None.

Absent: (0) None.

INTRODUCTION RECOMMENDED, Ayes 10, Noes 0, Absent 0

Moved by Representative Grothman, seconded by Representative Kreibich, that **Assembly Amendment 1** be recommended for adoption.

Ayes: (10) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Coggs, Colon and Sinicki.

Noes: (0) None.

Absent: (0) None.

ADOPTION RECOMMENDED, Ayes 10, Noes 0, Absent 0

Moved by Representative Grothman, seconded by Representative Kreibich, that **Assembly Bill 481** be recommended for passage as amended.

Ayes: (7) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell and Colon.

Noes: (3) Representatives Miller, Coggs and Sinicki.

Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 3,
Absent 0

Janine Hale
Committee Clerk

Assembly

Committee Report

The committee on **Children and Families**, reports and recommends:

Assembly Bill 481

Relating to: access by a parent to records relating to the parent's child.

By Representatives Hundertmark, Jensen, Skindrud, Ladwig, Pettis, Kestell, Hahn, Staskunas, Gunderson, Ainsworth, Porter, Albers, Stone and Kedzie; cosponsored by Senator Darling.

INTRODUCTION OF ASSEMBLY AMENDMENT 1, Ayes 10, Noes
0, Absent 0

Ayes: (10) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs,
Colon and Sinicki.

Noes: (0) None.

Absent: (0) None.

ADOPTION OF ASSEMBLY AMENDMENT 1, Ayes 10, Noes 0,
Absent 0

Ayes: (10) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Coggs,
Colon and Sinicki.

Noes: (0) None.

Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 3,
Absent 0

Ayes: (7) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell and Colon.

Noes: (3) Representatives Miller, Coggs and Sinicki.

Absent: (0) None.

Representative Bonnie Ladwig
Chair

W.S.A.A.

WISCONSIN STUDENT ASSISTANCE ASSOCIATION
3128 S. 12th Street, Sheboygan, WI 53081

Assembly Bill

Written Testimony by the Wisconsin Student Assistance Association

Dear Chairperson Ladwig, Assembly Committee on Children and Families:

On behalf of the Wisconsin Student Assistance Association and its members we are providing written testimony to oppose to the portion of assembly Bill 370, and specifically the portion that amends WI. Statute 118.126 (2).

WSAA believes that the proposed changes would:

- Would diminish the power and efficacy of student assistance programs, which rely on confidentiality.
- It would result in fewer adults for students to reach out to
- Student Assistance Programs are modeled after employee assistance programs and the modifications proposed assumes that young people be denied the right to confidential assistance to address problems early
- Proposed changes will create the perception of less safety for students among adults in the school setting
- It will delay the process of students receiving support and care
- Schools often initiate intervention by including parents early on. The elimination of confidentiality will prevent students from approaching adults who initiate the helping process and parental involvement

Our second concern is regarding LRB 3510/1 relating to surveys, analysis and evaluations of pupils.

(AB 474)

- Parental review of survey data and ability to opt out child currently exists
- Proposed change will prohibit districts from collecting data which identifies need and helps design and implement research based, proven, effective programs
- Proposed change will interfere with school community partnerships i.e. healthy communities/ healthy youth initiatives

Please do not change current practice, which supports the parent home and school community collaborations.

Jan Conwell, President
(SK)

Sara Kuefback
Vice President

Cal Kuzenga
Treasurer

Carol Mauer
Marilyn Devine



State of Wisconsin Department of Public Instruction

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(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
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John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

Assembly Bill 481

September 20, 1999

Testimony by Mike Thompson, Director, Student Services/Prevention and Wellness

Chairperson Ladwig of the Assembly Committee on Children and Families:

On behalf of the Department of Public Instruction and State Superintendent John Benson, we appreciate the opportunity to testify on Assembly Bill 481. Specifically, we are opposed to the portion of this Bill that amends WI. Stat. 118.126(2).

Wisconsin Statute 118.126(1) states that a school psychologist, counselor, social worker, or nurse, or any teacher or administrator designated by the school board who engages in alcohol or drug abuse program activities, shall keep confidential information received from a pupil that the pupil or another pupil is using or experiencing problems resulting from the use of alcohol and other drugs. Current statutes already have three provisions that allow for sharing of information offered in confidence by a student:

1. if consent is provided in writing;
2. if there is reason to believe there is serious and imminent danger to the health and safety or life of any person;
3. if the information is required to be reported under s.48.981.

The proposed bill would require that such information received by a pupil must be disclosed to the parent or guardian of that pupil upon the request of the parent.

This proposed change has the potential to diminish the effectiveness of pupil services and AODA programs in schools. Whereas we agree it is vitally important to involve parents on issues relating to alcohol and drug use, students need opportunities to express their concerns about their own use or the use of others. Pupil services staff, teachers and administrators understand the importance of seeking parental involvement early, especially when such disclosures are of a serious threat to health and safety of their children. They often work diligently to assist students in discussing the issue with their parents. In fact, most students realize the importance of involving their parents, but many times need the support and guidance of other significant adults in their lives to assist them in communicating with their parents. Creating mandatory notification will jeopardize the likelihood of students coming forward with concerns about their own alcohol drug use or the use of others.

We thank you for this opportunity to testify and would be happy to answer any questions you have regarding revisions to Wis. Stat. 118.126(2).



TO: Members of the Assembly Children and Families Committee

FROM: Representative Steve ~~Nass~~ *SN*

DATE: September 20, 1999

RE: AB 481 (LRB-3553/4)

I am writing to inform committee members of my decision to remove my name as a cosponsor of AB 481, introduced by Representative Hundertmark. While I strongly supported the original draft of this bill, the version you are considering today falls seriously short of the goal of open access for parents embodied in earlier versions of the bill.

I hope the committee will amend the bill to provide parents with the greatest access possible to records relating to their children.



WISCONSIN COALITION FOR ADVOCACY

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

September 20, 1999

To: Members of the Assembly Committee on Children and Families

From: Dianne Greenley
Supervising Attorney
Wisconsin Coalition for Advocacy

Re: ██████████, Relating to Access by a Parent to Records Relating to the Parent's Child
LRB 3510/1, Relating to Surveys, Analyses and Evaluation of Pupils
LRB 3483/2, Relating to Physical Health Examinations of Pupils

LRB 3553/2, Relating to Access by a Parent to Records Relating to the Parent's Child

We have not had an opportunity to review this bill draft carefully. However, we do have concerns about immediate parental access to mental health records in certain circumstances. Over the years I have received many phone calls from treatment providers concerning parental access to therapy records by a parent who has engaged in physical or sexual abuse of the child. There is legitimate concern about the parent using the information to reabuse the child and/or to terminate the child's treatment. Under current law the treatment provider can withhold access during the child's treatment if they make a determination that "the benefits of allowing access are outweighed by the disadvantages of allowing access." (HSS 92.05 (1) (b) 1.; Sec. 51.30 (5) (b) 1., Wis. Stats.) I do not believe that this provision should be changed. In fact many individuals have urged that this provision be extended to access after treatment has been terminated so that vulnerable children can be protected. I would also like to point out that federal law specifically requires a minor's consent before a parent can have access to drug or alcohol abuse treatment records. See 42 CFR Part 2.

LRB 3510/1, Relating to Surveys, Analyses and Evaluations of Pupils

We would like to see an ^{analysis} ~~analysis~~ of this bill by the Department of Public Instruction to ensure that it would not interfere with evaluations required under special education law.

LRB 3483/2, Relating to Physical Health Examinations of Pupils

We would urge an amendment to this bill to clarify that examinations in emergency situations are clearly permitted.



1998 - 1999

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Wisconsin Juvenile Court Intake Association, Inc.

September 21, 1999

Rep. Mark Miller

Wisconsin House of Representatives

Fax # 608-282-3648 E-mail: rep.miller@legis.state.wi.us

Re: AB 481

Dear Rep. Miller:

Thank you for taking the time to speak with me this afternoon on the phone and for faxing me a copy of AB 481.

The Wisconsin Juvenile Court Intake Association, of which I am a member and serve on the Legislative Committee, learned this afternoon from our liaison in the Division of Juvenile Corrections, Department of Corrections, of the existence of this bill. This Association is disturbed by the manner in which AB 481 is progressing. It is our understanding that the bill was introduced last Friday, and yesterday, on Monday, the Committee on Children and Families had a hearing on this bill, within only hours of when the public could actually have been aware of it. Efforts were apparently made to request more time for examination of the issues prior to the hearing, but this request was denied by Rep. Bonnie Ladwig. It may again be on the agenda for Wednesday. Rushing a bill from introduction to a committee hearing in such a hasty manner with *inadequate* public awareness creates little opportunity for examination of the bill and provision of input to committee members, by professionals who deal with clients under age 18 and with confidential matters, on a daily basis. We believe that the ability to have a say in and offer opinions on matters that affect us all is an important part of the democratic process, which appears to have been short-changed in this accelerated process.

As you are aware, this bill would have a significant impact on agencies managing and creating social service records, as well as on those working with school AODA programs, health care providers, and mental health workers. There is another side to the concept of parental rights to information about their children: the rights of a young person to get confidential help for problems of a highly sensitive and personal nature, which may not be discussed at all if the youth had no reassurance of confidentiality. Unfortunately, some of those issues may involve the youth's parent or guardian. The weighing of the issues in the bill involving these potentially conflicting rights and responsibilities need careful examination and consideration by the agencies directly affected, as well as by the decision-makers in Madison, not a "fast track" without adequate time for consideration.

This letter is not intended to offer a position on the bill—there has not been adequate time to do so. A reading of the bill, however, does raise issues which need a closer look. We urge the legislature to give important issues the time they deserve and not rush them through without careful consideration and input by those directly affected.

Sincerely,

Ellen K. Cheney, Legislative Committee
Wisconsin Juvenile Court Intake Association

Cc: Rep. Steve Kestell