

2000 SESSION

INTRODUCED

004388952

HOUSE BILL NO. 663

Offered January 20, 2000

A *BILL to amend the Code of Virginia by adding in Chapter 6.1 of Title 20 a section numbered 20-124.7, relating to communications between licensed instructional personnel and students.*

Patron—Tate

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6.1 of Title 20 a section numbered 20-124.7 as follows:

§ 20-124.7. Communications between licensed instructional personnel and students.

Except as otherwise provided in this section, no licensed instructional personnel employed by a local school board pursuant to a probationary or continuing contract shall be required to provide testimony as a witness in any custody action involving a current or former student, when such testimony involves the disclosure of information communicated to the instructional personnel by a student about himself in seeking advice and counsel within the teacher-student relationship regarding the information so imparted.

However, when the physical or mental condition of the student is at issue in such custody action, or when a court, in the exercise of sound discretion, deems such disclosure necessary to the proper administration of justice, no fact communicated to, or otherwise learned by, such licensed instructional personnel in connection with such counseling, treatment or advice shall be privileged, and disclosure may be required. The privileges conferred by this section shall not extend to testimony in matters relating to child abuse and neglect nor serve to relieve any person from the reporting requirements set forth in § 63.1-248.3.

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