

Education and Family Privacy

Prohibited Disclosure or Psychological Testing—

Except as permitted below for crisis intervention, the School District prohibits the administration of any psychological or psychiatric examination, test, treatment, survey, analysis or evaluation or the obtaining or disclosing of defined information in curriculum or other school activities unless the student's parent or legal guardian has been given prior written notice and the School District has obtained consent as defined in this policy if such disclosure would tend to reveal information concerning the student's or a family member's:

1. political affiliation or philosophies (except as provided in Policy ECF);
2. mental or psychological problems;
3. sexual behavior, orientation or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of individuals with whom the student or family member has close family relationships'
6. religious affiliation or beliefs;
7. legally recognized privileged and analogous relationships, such as those with attorneys, medical professionals or religious clerics; and
8. income, except as otherwise required by law.

Utah Code Ann. § 53A-13-302(1) (2014)

At least two weeks before the identified information is obtained or disclosed, the parent or guardian of the affected student shall be given written notice of intent to obtain or disclose requested information, unless the matter has been reported to the Division of Family Services and the Division has asked that the information not be disclosed to the parent or legal guardian.

Utah Code Ann. § 53A-13-302 (2013)

The notice to the parent or guardian shall state the availability of written information concerning:

1. the nature of records or information about relationships that have been requested for examination;
2. the means by which the records or information shall be examined;

3. a copy of any questions to be asked of the student in obtaining the desired survey information to be made available to the school;
4. the means by which the information shall be obtained;
5. the identity of the person(s) or entity requesting release of the information;
6. the purposes for which the records are needed;
7. a method by which the parent or guardian of a student can grant permission to access or examine the personally identifiable information.

If express written consent from the parent or guardian has not been obtained authorizing the collection or release of information and documents defined above, such documents and information shall not be obtained or disclosed.

Utah Code Ann. § 53A-13-302(2) and (4) (2014)

Term of Consent

Unless specifically stated otherwise in the authorization, the authorization is valid only for the activity for which it was granted. However, the school district is authorized to request parental authorization that shall be valid until the commencement of the subsequent school year or until the student withdraws from the program in which such testing, evaluation or survey is conducted.

Utah Code Ann. § 53A-13-302(5)(c) (2014)

Permitted Crisis Intervention—

Notwithstanding the prohibitions stated above, if a school employee, agent, or resource officer believes a student is at risk of (a) attempting suicide, (b) physical self-harm, or (c) harming others, then the employee, agent, or officer may question the student about the suicidal thoughts, self-harming behavior, or thoughts of harming others in order to refer the student to appropriate prevention services and to inform the student's parent or guardian. However, the questioning shall be limited to that which is necessary for referral to prevention services or to make the parent or guardian aware of the perceived risk.

Utah Code § 53A-13-302(7) (2014)

Limitation on Use of Information in Contact Verification—

Regardless of notice and/or consent, information contained in the "Verification of Parent or Guardian Contact Regarding Threat or Incident" under Policy FDACD or Policy FGAD may not be used:

1. for a report or study;
2. for a statistical analysis; or

3. to conduct research.

Utah Code Ann. § 53A-13-302(3) (2014)

Utah Code Ann. § 53A-11a-203(3) (2013)