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| DESCRIPTOR TERM: Students | Millard District Policy File Code: 4360 Approved: 09-10-20 |
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STAFF CONDUCT - MEDICAL RECOMMENDATIONS BY SCHOOL PERSONNEL

A. Medical Recommendations by School Personnel Testing

1. School employees may provide information and observations to a student's parents about the student's:
 - a. progress;
 - b. health and wellness;
 - c. social interactions; and/or
 - d. behavior
2. School employees may complete a behavioral health evaluation form if requested by a student's parent to provide information to a licensed physician or physician assistant.
3. In addition, a school employee may communicate information and observations between school personnel regarding a student. School employees may also refer a student to other appropriate school personnel and agents, including referrals and communication with a school counselor or other mental health professionals working within the school.

B. Schools Cannot Require Students to Take Specific Medication or Treatment

1. School employees shall not require that a student take or continue to take a specific medication, whether over-the-counter or prescription medicine, as a condition for attending school.
2. This does not include immunizations against communicable diseases as required by the Department of Health as a prerequisite to school attendance. See Millard School District Policy File Code 6195.
 - a. School employees may not:
 - i. recommend to a parent that a student take or continue to take a psychotropic medication;
 - ii. require that a student take or continue to take a psychotropic medication as a condition for attending school;

- iii. recommend that a parent seek or use a type of psychiatric or psychological treatment for a student;
- iv. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a student, except when necessitated to meet the requirements of the Individuals with Disabilities Education Act, [20 U.S.C. § 1400 et seq.](#), and its subsequent amendments; or
- v. make a child abuse or neglect report to authorities, including the Division of Student and Family Services, solely or primarily on the basis that a parent refuses to consent to:
 - 1. a psychiatric, psychological, or behavioral treatment for a student, including the administration of a psychotropic medication to a student; or
 - 2. a psychiatric or behavioral health evaluation of a student.
 - i. However, school employees may make a report that would otherwise be prohibited under Subsection (5) if failure to take the action described under Subsection (5) would present a serious, imminent risk to the student's safety or the safety of others.

[Utah Code § 53G-9-203 \(2019\)](#)

C. School Mental Health Professionals and Counselors Can Recommend Treatment or Evaluation

- 1. A school counselor or other mental health professional acting in accordance with the Mental Health Professional Practice Act, or licensed through the State Board of Education, working within the school system may:
 - a. recommend, but not require, a psychiatric or behavioral health evaluation of a student;
 - b. recommend, but not require, psychiatric, psychological, or behavioral treatment for a student;
 - c. provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, psychologists, or other health specialists; and
 - d. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a student;

however, prior written consent of the student's parent and a two-week minimum notification period are required prior to conducting the behavioral health evaluation or mental health screening, test, evaluation, or assessment. A parent may waive the two-week minimum notification period. However, this written consent and notice is not required before questioning a student believed to be at risk of suicide, physically self-harming behavior, or harming others to the extent needed for referral to appropriate prevention services and to notify the parent of the perceived risk.

[Utah Code § 53G-9-203 \(2019\)](#)

[Utah Code § 53E-9-203\(7\) \(2019\)](#)

D. Training and Discipline

Each school shall provide training to the appropriate personnel on the proper application of this policy. An intentional violation of this policy shall be dealt with according to the provisions of Millard School District Policy File Code 4440 — Orderly School Termination for Employees.

[Utah Code § 53G-9-203 \(2019\)](#)