

<b>DESCRIPTOR TERM:</b>  Students	<b>Millard District Policy</b> <b>File Code: 6040</b>  <b>Approved: 08-11-22</b>
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## **UTAH FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

### **A. Prohibited Disclosure or Psychological Testing**

1. 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 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:
  - a. political affiliation or philosophies (except as provided in Policy ECF);
  - b. mental or psychological problems;
  - c. sexual behavior, orientation or attitudes;
  - d. illegal, anti-social, self-incriminating or demeaning behavior;
  - e. critical appraisals of individuals with whom the student or family member has close family relationships;
  - f. religious affiliation or beliefs;
  - g. legally recognized privileged and analogous relationships, such as those with attorneys, medical professionals or religious clerics; and
  - h. income, except as otherwise required by law.

[Utah Code § 53E-9-203\(1\) \(2020\)](#)
2. 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 § 53E-9-203 \(2020\)](#)
3. The notice to the parent shall state the availability of written information concerning:
  - a. the nature of records or information about relationships that have been requested for examination;

- b. the means by which the records or information shall be examined;
- c. a copy of any questions to be asked of the student in obtaining the desired survey information to be made available to the school;
- d. the means by which the information shall be obtained;
- e. the identity of the person(s) or entity requesting release of the information;
- f. the purposes for which the records are needed;
- g. a method by which the parent of a student can grant permission to access or examine the personally identifiable information.

The written notice shall also include an Internet address where a parent can view the exact survey or examination to be administered to the student. If express written consent from the parent 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 § 53E-9-203\(2\), \(4\) \(2020\)](#)

#### **B. 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 § 53E-9-203\(5\)\(c\) \(2020\)](#)

#### **C. 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 § 53E-9-203\(7\) \(2020\)](#)

#### **D. Private Information**

The data collected through an authorized test or survey is a private record which may not be shared except in accordance with the Family Educational Rights and Privacy Act ("FERPA"). Such data also may not be included in a student's Student Achievement Backpack, as that term is defined in Utah Code § 53E-3-511.

[Utah Code § 53E-9-203\(10\) \(2020\)](#)