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 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, gender identity 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 § 53E-9-203(1)(a) (2024)

Providing mental health services to students (as distinguished from testing or inquiries about the topics above) can only be done as provided in Policy FDACG.

Utah Code § 53G-9-902 (2025) Utah Admin. Rules R277-313-4(2) (August 7, 2025)

A school may not provide either a reward or a consequence to a student for participation or lack of participation in any such psychiatric examination, testing, treatment, survey, analysis, or evaluation.

Utah Code § 53E-9-203(4)(b) (2024)

At least two weeks before the identified information is obtained or disclosed, the parent of the affected student shall be given written notice of intent to obtain or disclose requested information. However, this requirement does not apply if there is a contrary court order, or the school employee is acting in response to a situation that the employee reasonably believes is an emergency, or where 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.

Utah Code § 53E-9-203(6)(a) (2024)

The notice to the parent 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 of a student can grant permission to access or examine the personally identifiable information.

The written notice shall also include the survey or examination to be administered to the student, the intended purposes and uses of the data collected, the types of persons or governmental entities that share the data (including a list of recipients of student-level data) or receive the data on a regular or contractual basis, and (if applicable), the record series in which the data is or will be included. 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), (5) (2024)

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. A school may not use a prior written consent that was obtained by a different school district for a student that transfers to the District after the beginning of the school year.

Utah Code § 53E-9-203(4)(a), (6)(c) (2024)

Annual Prior Written Consent—

Each year at the time of registration, each school shall obtain prior parental written consent for surveys relating to an early warning system described in Utah Code § 53F-4-207, surveys that include social emotional learning questions, and if the school elects to administer it, the school climate survey described in Utah Code § 53G-8-802 and Policy GCG.

Utah Code § 53E-9-203(1)(b) (2024)

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. However, the questioning shall be limited to that which is necessary for referral to prevention services or to make the parent aware of the perceived risk.

Utah Code § 53E-9-203(8) (2024)

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. The data may only be used for the purposes and by the persons or entities identified in the written notice to the parent.

Utah Code § 53E-9-203(11) (2024)