

LEA Model: Prohibited Activities without Prior Consent

In accordance with 53A-13-301 and 53A-13-302, LEAs shall adopt policies governing the protection of family and student privacy. These policies shall require prior written consent of the parent or legal guardian of a student before administering and collecting the information listed below, whether information is personally identifiable or not.

Prohibited Activities:

Any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation, in which the purpose or intended effect is to cause the student to reveal information concerning the student's or any family member's:

- (a) political affiliations or political philosophies;
- (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 affiliations or beliefs;
- (g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
- (h) income, except as required by law.

A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this policy

Prior written consent shall be required from the parent or legal guardian of a student in all grades, kindergarten through grade 12

Prior written consent shall be required for activities within the curriculum as well as other school activities.

Requirements for Valid Prior, Written Consent:

Parent shall be provided written notice, at least two weeks prior to administration (except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court). Following disclosure, a parent or guardian may waive the two-week minimum notification period.

This notice shall include:

- (a) Notice that a copy of the educational or student survey questions is made available at the school
- (b) An Internet address where a parent or legal guardian can view the exact survey to be administered
- (c) Reasonable opportunity to obtain written information concerning:

- a. Records or information, including information about relationships, that may be examined or requested;
- b. how the records or information shall be examined or reviewed;
- c. how the information is to be obtained;
- d. the purposes for which the records or information are needed;
- e. the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
- f. a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

Authorization:

The prior consent is valid only for the activity for which it was granted, unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent,

To terminate the authorization, the authorizing parent or guardian shall submit a written withdrawal of authorization to the school principal.

Exceptions

If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay, unless the matter has been reported to the Division of Child and Family Services within the Department of Human Services.

If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:

- (a) referring the student to appropriate prevention services; and
- (b) informing the student's parent or legal guardian.

In accordance with §53A-11a-203(3), schools shall notify parents or legal guardians of such threats and incidents. Following parent notification of student suicide threat, bullying incident, cyber-bullying incident, harassment incident, hazing incident or retaliation incident, schools shall maintain a record of the notification, securely and confidentially, consistent with §53A-11a-203.

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