

DESCRIPTOR TERM: Students	Millard District Policy File Code: 6180 Approved: 02-09-17
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UTAH FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Utah Law requires proper notification to parents regarding many school functions, curriculum, activities, and testing. It is the policy of the Millard School District that proper notification be given to parents, and that written consent be obtained from parents or legal guardians under conditions described in this policy.

Policy Prohibitions

1. The administration to a student of any psychological or psychiatric examination, test or treatment or any survey, analysis or evaluation, is prohibited without the prior written consent of the student's parent or legal guardian if the purpose or intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the students or any family members
 - 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.

[Utah Code § 53A-13-302\(1\) \(2014\)](#)

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 § 53A-13-302 \(2014\)](#)

3. Prior written consent under subsection 1 is required in all grades, kindergarten through grade 12.
4. The prohibitions under subsection 1 shall also apply to the curriculum or other school activities unless prior written consent of the student's parent or legal guardian has been obtained.
5. Written parental consent is valid only if a parent or legal guardian has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:
 - a. records or information, including information about relationships, that may be examined or requested;
 - b. the means by which the records or information shall be examined or reviewed;
 - 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 is to be obtained;
 - e. the identity of the person(s) or entity requesting release of the information;
 - f. the purposes for which the records or information are needed;
 - g. a method by which a 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 § 53A-13-302\(2\), \(4\) \(2014\)](#)

6. 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 § 53A-13-302\(5\)\(c\) \(2014\)](#)

Permitted Crisis Intervention—

1. 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\(7\) \(2014\)](#)