

**INDIVIDUAL SERVICES AND DIAGNOSTIC COUNSELING**

The governing board of Tracy Unified School District provides in each 6-12 school within the district an organized and functioning counseling program. Counseling shall include, but not be limited to, the following:

1. Educational counseling, in which the pupil is assisted in planning and implementing his immediate and long-range educational program.
2. Career counseling, in which the pupil is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions. Such career counseling shall include encouraging students, including women and minorities, to seek apprenticeship training.
3. Personal counseling, in which the pupil is helped to developed his/her ability to function with social and personal responsibility.
4. Evaluating and interpreting test data.
5. Counseling and consultation with parents and staff members regarding learning problems and guidance problems for pupils.
6. A person performing counseling services to pupils shall be a school counselor or school psychologist possessing a valid credential with a specialization in pupil personnel services. Nothing in this section shall be construed as prohibiting persons participating in an internship program approved by the governing board, and supervised by a school district counselor or psychologist, from advising pupils.

**Confidentiality of Information Obtained During Counseling Sessions**

Any information of a personal nature disclosed to a counselor or school psychologist by a parent or guardian of a pupil who is twelve (12) years of age or older and who is in the process of receiving counseling from a school counselor or school psychologist as specified in Section 49600 is confidential.

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The information shall not become part of the pupil record, as defined in subdivision (b) of Section 49061, without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to, except as follows:

1. Discussion with psychotherapists as defined by Section 1010 of the Evidence Code, other health care providers, or the school nurse, for the sole purpose of referring the pupil for treatment.
2. Reporting of child abuse or neglect as required by Article 2.5 (commencing with Section 11165) of Chapter 2 of Title I Part 4 of the Penal Code.
3. Reporting information to the principal or parents of the pupil when the school counselor has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the pupil or the following other persons living in the school community: administrators, teachers, school staff, parents, pupil, and other school communication members.
4. Reporting information to the principal, other persons inside the school, as necessary, the parents of the pupil, and other persons outside the school when the pupil indicates that a crime, involving the likelihood of personal injury or significant or substantial property losses, will be or has been committed.
5. Reporting information to one or more persons specified in a written waiver after this written waiver of confidence is read and signed by the pupil and preserved in the pupil's file.

Notwithstanding the provisions of this section, a school counselor or school psychologist shall not disclose information deemed to be confidential pursuant to this section to the parents of the pupil when the school counselor or school psychologist has reasonable cause to believe that the disclosure would result in a clear present danger to the health, safety, or welfare of the pupil.

Notwithstanding the provisions of this section, a school counselor or school psychologist shall disclose information deemed to be confidential pursuant to this section to law enforcement agencies when ordered to do so by order of a court of law, to aid in the investigation of a crime, or when ordered to testify in any administrative or judicial proceeding.

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Nothing shall be deemed to limit the counselor or psychologist from conferring with other school staff, as appropriate, regarding modification of the pupil's academic program.

It is the intent that counselors and psychologists use the privilege of confidentiality under this section to assist the pupil whenever possible to communicate more effectively with parents, school staff, and others.

No person required by this section to keep information discussed during counseling confidential shall incur any civil or criminal liability as a result of keeping that information confidential.

**Legal Reference:**

EDUCATION CODE:

49600

49601

49602

Section 1010 of the Evidence Code

Article 2.5 (Commencing with Section 11165) of Chapter 2 of Title I,

Part 4 of the Penal Code