

Davis School District Policy and Procedures

Subject: 5S-301 Medical Recommendations by School Personnel to Parents

Index: Student Services – *Student Health*

Revised~~DRAFT: April 29, 2016~~**February 26, 2021 – Five-year review**

1. PURPOSE AND PHILOSOPHY

The Board of Education for Davis School District (Board) recognizes that the decision for a student to see a health care professional or use medication is a parental concern. In working with students, school personnel may be in a position to make or give recommendations to ~~parents/guardians~~parents which impact their children's education. The purpose of this policy is to clarify for school personnel and ~~parents/guardians~~parents the recommendations or directions that school personnel may make or give to ~~parents/guardians~~parents about seeing health care professionals or using specific medications for their children.

2. POLICY

- 2.1. School personnel may provide information and observations to ~~parents/guardians~~parents about their children. Such information or reports may include observations and concerns in the following area:
 - 2.1.1. progress;
 - 2.1.2. health and wellness;
 - 2.1.3. social interactions;
 - 2.1.4. behavior; and
 - 2.1.5. topics consistent with the Utah Family Education Rights and Privacy Act ([UCA §53E-9-203](#)), and Davis School District (District) policy [11IR-110 Student Data and Family Privacy Protection](#).
- 2.2. School personnel may communicate information and observations between school personnel regarding a child.
- 2.3. In accordance with District guidelines and procedures, school personnel may refer students to other appropriate District personnel and agents, including referrals and communication with a school counselor or mental health professionals working within the school system.
- 2.4. School personnel may consult or use appropriate health care professionals in the event of an emergency while the student is at school consistent with student emergency information provided at student enrollment.
- 2.5. School personnel may exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of District policy 5S-100 Student Conduct and Discipline.
- 2.6. School personnel may provide information and make recommendations related to an incident or threat described in Utah Code Ann. § 53G-9-604.
- 2.7. School personnel may not:
 - 2.7.1. recommend to a ~~parent/guardian~~parent that a child take or continue to take a psychotropic medication;
 - 2.7.2. require that a child take or continue to take a psychotropic medication as a condition for attending school;
 - 2.7.3. recommend that a ~~parent/guardian~~parent seek or use a type of psychiatric or psychological treatment for a child; or

- 2.7.4. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child except where this conflicts with the Individuals with Disabilities Education Act (IDEA).
- 2.8. In compliance with State law ([UCA §62A-4a-403](#)), school personnel are required to report suspected child abuse, however; unless failure to take action would present a serious, imminent risk to the child's safety or the safety of others; school personnel may not make a child abuse or neglect report to authorities solely or primarily on the basis that a parent ~~or guardian~~ refuses to consent to:
 - 2.8.1. a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or
 - 2.8.2. a psychiatric or behavioral health evaluation of a child.
- 2.9. A school counselor or other mental health professional acting in accordance with [Title 58, Chapter 60, Mental Health Professional Practice Act](#), or licensed through the State Board of Education, working within the school system may:
 - 2.9.1. recommend, but not require, a psychiatric or behavioral health evaluation of a child;
 - 2.9.2. recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;
 - 2.9.3. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with the Utah Family Educational Rights and Privacy Act (UCA § 53E-9-203), and District Policy 11IR-110 Student Data and Family Privacy Protection; or
 - 2.9.4. provide to a ~~parent/guardianparent~~, upon the specific request of the ~~parent/guardianparent~~, a list of three or more health care professionals or providers, including licensed physicians, psychologists, or other health specialists.
- 2.10. Nothing in this policy shall be interpreted as discouraging general communication not prohibited by this policy between school personnel and a student's parent/~~guardian~~.

3. TRAINING

Appropriate school personnel shall receive training from their supervisor on the provisions of this policy.

4. PENALTIES FOR VIOLATION

Intentional violation of this policy may subject school personnel to discipline consistent with state law and District policy.

5S-301 Medical Recommendations by School Personnel to Parents

DEFINITIONS

“**Health care professional or provider**” means a physician, physician assistant, nurse, dentist, or mental health therapist.

“**Medication**” means any medicine, whether over-the-counter or prescription.

“**School personnel**” means a school district employee, including a licensed, part-time, contract or non-licensed employee.

REFERENCES

20 U.S.C.A § 1412(a)(25) - IDEA - Prohibition on Mandatory Medication

[Utah Code Ann. § 53G-9-203](#) - Medical Recommendations for Children.

[Utah Code Ann. § 53G-9-604](#) – Parental notification of certain incidents and threats required.

[Utah Code Ann. §53E-9-203](#) - Activities prohibited without prior written consent.

OTHER LINKS

[USOE Paper “Medical Recommendations – What School Employees Can and Can Not Do”](#)

DOCUMENT HISTORY:

Adopted: March 16, 2004

Revised: June 19, 2007 – Updated to reflect new law enacted in the 2007 legislative session. Utah Administrative Rule R277-611 repealed.

Revised: September 1, 2009 – No content change, renumbered from 5S-602 to 5S-301 with reorganization of Policy Table of Contents.

Revised: April 29, 2016 – Five year review. Non-substantive changes to comply with changes in State law.

March 8, 2019 – Education Code references updated in accordance with 2018 recodification.

Revised: - ~~Five-year review. No substantive changes.~~