File: JLDAC

Screening/Testing of Students and Treatment of Mental Disorders

Parents/guardians and eligible students have the right to review any survey, assessment, analysis or evaluation administered or distributed by a school to students whether created by the District or a third party. For purposes of this policy, "eligible student" means a student 18 years of age or older or an emancipated minor. Any survey, assessment, analysis or evaluation administered or distributed by a school to students will be subject to applicable state and federal laws protecting the confidentiality of student records.

Survey, Assessment, Analysis or Evaluation for Which Consent is Required

Except as otherwise permitted by law, students will not be required to submit to a survey, assessment, analysis, or evaluation that is intended to reveal information, whether the information is personally identifiable or not, without prior written consent of the parent/guardian or eligible student, if that survey, assessment, analysis, or evaluation reveals information in the following areas ("protected information"):

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological conditions of the student or the student's family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom the student has a close family relationship;
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers;
7. Religious practices, affiliations or beliefs of the student or the student's parent/guardian;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);
9. Social security number.

School personnel responsible for administering any such survey, assessment, analysis or evaluation will give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and will make a copy of the document available for viewing at convenient times and locations. The notice will offer to provide the following written information upon request:

1. Records or information that may be examined and required in the survey, assessment, analysis or evaluation;
2. The means by which the records or information will be examined, reviewed, or disseminated;
3. The means by which the information is to be obtained;

4. The purposes for which the records or information are needed;

5. The entities or persons, regardless of affiliation, who will have access to the information; and

6. A method by which a parent/guardian can grant or deny permission to access or examine the records or information.

These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

Exceptions to Policy

Nothing in this section of the policy will:

1. Prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, assessment, analysis or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law;

2. Be construed to prevent a district employee from reporting known or suspected child abuse or neglect as required by state law;

3. Be construed to limit the ability of a health professional that is acting as an agent of the school district to evaluate an individual child;

4. Be construed to require parental notice or consent for a survey, assessment, analysis or evaluation related to educational products or services for or to students or educational institutions. These products and services include, but are not limited to, the following:

a. College or other postsecondary education recruitment or military recruitment activities;

b. Book clubs, magazines and programs providing access to low-cost literary products;

c. Curriculum and instructional materials used by district schools;

d. Tests and assessments used by district schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

e. The sale by students of products or services to raise funds for school-related or education-related activities;

f. Student recognition programs.

5. Be construed to require parental notice or consent for assessments used to collect evidence of what a student knows and is able to do and to measure a student's academic progress toward attaining the District's academic standards;

6. Limit the ability of the District to administer a suicide assessment or threat assessment.

Surveys, Assessment, Analysis or Evaluation for Marketing Purposes

Parents/guardians and eligible students will receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the

student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

Annual Notice

At the beginning of each academic year, the District will inform parents/guardians and eligible students that the parent/guardian or eligible student has the right to consent before students are required to submit to a survey that concerns one or more of the protected areas and to opt out of the following:

1. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information;

2. The administration of any protected information survey; or

3. Any non-emergency, invasive physical examination or screening (other than a hearing, vision or scoliosis screening) that is:

   a. Required as a condition of attendance;

   b. Administered by the school and scheduled by the school in advance; and

   c. Not necessary to protect the immediate health and safety of the student or of other students.

Psychiatric/Psychological/Behavior Testing Methods or Procedures

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used. Prior to conducting any such testing, school personnel will obtain written permission from the parent/guardian or eligible student in accordance with applicable law.

School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian, and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns that school personnel may have. Only those persons appropriately certified or licensed may expose students to any psychiatric or psychological method or procedure for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent/guardian.

Licensed school personnel are encouraged to be knowledgeable about psychiatric or psychological methods and procedures but will not be involved in any diagnosis, assessment or treatment of any type of mental disorder or disability unless appropriately certified. In accordance with state law, school personnel including certified school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teach about psychological or psychiatric methods or procedures will be permissible and considered outside the scope of this policy. It is understood that there is a significant difference between practicing therapy and

providing activities that may be therapeutic in nature. Any teacher who questions whether a planned activity is one involving psychiatric or psychological methods or procedures for which the teacher may not be properly certified or licensed will consult with the school principal.

Special Education Evaluation

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

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LEGAL REFS.: 20 U.S.C. 1232g (Family Education Rights and Privacy Act)
20 U.S.C. 1232h (rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation)
C.R.S. 13-22-101 (18 is age of competence for certain purposes)
C.R.S. 22-1-123 (district shall comply with federal law on protection of pupil rights; Colorado provisions regarding survey, assessment, analysis and evaluation of students)
C.R.S. 22-32-109 (1)(ee) (duty to adopt policy prohibiting personnel from ordering behavior tests without parent permission)
C.R.S. 22-32-109.2 (screening and treatment of emotional/mental disorders or disabilities)
C.R.S. 27-65-103 (voluntary applications for mental health services)

CROSS REFS.: GBEB, Staff Conduct (And Responsibilities)
GCS, Professional Research and Publishing
IKA, Grading/Assessment Systems
JLCA, Physical Examinations of Students
JRA/JRC, Student Records/Release of Information on Students
LC, Relations with Education Research Agencies