



Book	Policy Book
Section	SECTION 11 - SCHOOL COMMUNITY RELATIONS
Title	Family Education Rights and Privacy
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## FAMILY EDUCATION RIGHTS AND PRIVACY

### I. Board Policy

The Board of Education requires advanced disclosure and written parental permission prior to obtaining specific types of information from a student relating to the student's family.

### II. Guidelines for Educational Rights and Privacy

- A. Employees are prohibited from administering to a student any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student's parent or legal guardian, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family members;
1. political affiliations or except as provided under Section 53E-10-202 or rules of the State Board of Education, political philosophies;
  2. mental or psychological problems;
  3. sexual behavior, orientation, or attitudes;
  4. illegal, anti-social, self incriminating, or demeaning behavior;
  5. critical appraisals of individuals with whom the student or family member has close family relationships;
  6. religious affiliations or beliefs;
  7. legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
  8. income, except as required by law.
- B. The prohibitions under Subsection (A) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent or legal guardian has been obtained.
- C. Written parental consent is valid only if a parent or legal guardian has been first given written notice and a reasonable opportunity to obtain information concerning:
1. records or information including information about relationships, that may be examined or requested;
  2. the means by which the information shall be examined or requested;
  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 personally identifiable information; and
  6. a method by which a parent of a student can grant permission to access or examine the personally identifiable information.
- D. 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 Report Act, or by order of a court, disclosure to a parent or legal guardian must be given at least two weeks before information protected under this section is sought.
1. Following disclosure, a parent or guardian may waive the two week minimum notification period.
  2. Parental authorization shall be valid until the commencement of the subsequent school year or until one of the following occurs:
    - (1) the child completes or withdraws from the course, activity, or program for which it was granted; or
    - (2) a written withdrawal of authorization is submitted to the school principal by the authorizing parent or guardian.
- E. 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 section.
- F. This section does not limit the ability of a student to spontaneously express sentiments or opinions otherwise protected against disclosure under this section.
- G. 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. If, however, the matter has been reported to the Division of Family Services within the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation or to the student's home from school.
- H. The division may be exempted from the notification requirements described in Section G above only if it determines that the student would be endangered by notification of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.
- I. Nothing in this policy is intended to grant a private right of action for violation of this policy.
- J. The District has declared the following information as "directory information" as provided in the act and such directory information related to students may be made public if the information is in any of the following categories
- Student's name
  - Parent/Guardian name, address, email address, and telephone listing
  - Date and place of birth
  - Major field of study
  - Participation in officially recognized activities and sports
  - Weights and heights of members of athletic teams
  - Dates of attendance
  - Degrees and awards received
  - Most recent previous educational agency/institution attended by the student
  - Current grade and teacher's name
  - Yearbook photos
- K. A parent of a student currently enrolled (or a student over eighteen years of age) has the right to refuse to let the District designate any or all of the above types of information about that student as directory information. To take advantage of that right the parent (or eligible student), must notify the principal of the school he/she attends within 20 days from receiving this notice that he/she does NOT want any or all of those types of information about the student designated as directory information.

Under federal laws under-The Elementary and Secondary Education Act schools are required to provide student directory information to military recruiters upon written request unless the parent has chosen to opt out. Military recruiters have limited access to student information. The district "opt out" form for parents can be found at the link below or by contacting the school secretary.

<http://www.pcschools.us/index.php?page=204.1&showfile=thefile&rowid=329>

Utah Code 53E-9-203

[11000 Family Education Rights and Privacy.pdf \(66 KB\)](#)