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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 shall 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 shall 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 shall give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and shall make a copy of the document available for viewing at convenient times and locations. The notice shall 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 shall 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 shall:

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:
 - college or other postsecondary education recruitment or military recruitment activities
 - book clubs, magazines and programs providing access to low-cost literary products
 - curriculum and instructional materials used by district schools
 - tests and assessments used by district schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students
 - the sale by students of products or services to raise funds for school-related or education-related activities
 - 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 a content standard.

Surveys, assessment, analysis or evaluation for marketing purposes

Parents/guardians and eligible students shall 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 shall 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:
 - required as a condition of attendance;
 - administered by the school and scheduled by the school in advance; and
 - 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 shall 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 shall 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 shall 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 shall 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.

LEGAL REFS.: 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. 27-10-103 (*voluntary applications for mental health services*)
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*)

CROSS REFS.: GBEB, Staff Conduct
GCS, Professional Research and Publishing
ILBA, District Program Assessments

ILBB, State Program Assessments
JLCA, Physical Examinations of Students
JRA/JRC, Student Records/Release of Information on Students
LC, Relations with Education Research Agencies

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Public's Right to Know/Freedom of Information

The following procedure applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by the district. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record.

Process for requesting records

1. All requests for public record(s) maintained by the district shall be specific enough to allow the district to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, the district may require that the request be made in writing.
2. The district has no duty to create a public record that does not already exist.
3. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.

A reasonable time shall not exceed three working days, but may be extended by an additional seven working days if certain extenuating circumstances exist, in accordance with state law.

4. If the person seeking the record requests transmission of the record, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.

Upon receipt of payment of any applicable copy costs and/or other fees or upon making payment arrangements with the person requesting the record, the custodian of records will transmit a copy of the record by United States mail, other delivery service, facsimile or electronic mail. Transmission will occur as soon as practicable but no more than three business days after the district's receipt of payment, or making arrangements to receive such payment.

5. Inspection of any public record shall take place in an area designated by the district's custodian of records and shall occur in a manner that will not be disruptive to district operations. District employees may be assigned to monitor any inspection of public records.
6. If the district does not have facilities for making a copy of a record that a person has the right to inspect, the person shall be granted access to the record for the purpose of making a copy. The copy shall be made under the supervision of the custodian of records or designee. When practical, the copy

shall be made in the place where the record is kept but if it is impractical to do so, the custodian may allow arrangements for the copy to be made at another facility.

Fees

1. The fee for copying public records will be \$.25_____ per page unless actual costs exceed that amount. *[NOTE: This amount may not exceed \$.25 per page.]*
2. No transmission fee will be charged for transmission via electronic mail.
3. If the district in response to a specific request manipulates data to generate a record in a form not used by the district, it may charge a reasonable fee not to exceed the actual cost of manipulating the data and generating the record. Fulfilling such a request will be at the option of the district.
4. If a requested record is a result of computer output other than word processing, the fee for a copy will be based on recovery of the actual costs of providing the electronic service and product together with a reasonable portion of the costs associated with building and maintaining the information system. This fee may be reduced or waived by the superintendent or designee if the electronic service or product is used for a public purpose.
5. If another facility is necessary, the costs of providing them shall be paid by the person requesting the copy. The custodian may establish a reasonable schedule of times for making a copy and may charge the same fee for services rendered in supervising the copy as the custodian may charge for furnishing a copy.

In addition to the procedures contained in this regulation, the district may develop further procedures governing the inspection, copying and transmission of its records as it deems necessary to protect its records and prevent unnecessary interference with district staff responsibilities and district operations.