

**Utah Career Path High**  
**Policy: Family Education Rights and Privacy Policy**  
**Adopted: \_\_\_\_\_, 20\_\_\_\_**

**Purpose**

The purpose of this policy is to encourage positive parental involvement in the education of children attending Utah Career Path High (the "School") and to comply with State and federal laws concerning family educational rights and privacy. This policy provides standards and procedures for the protection of private information within the curriculum and other school activities and in the administration of psychological or psychiatric examinations, tests, or treatments, or any survey, analysis or evaluation of students. This policy also outlines procedures for the management of student educational records.

**Policy**

**Activities Prohibited without Prior Written Consent**

Prior Written Consent Requirement

Any School employee or agent who plans to administer to a student any psychological or psychiatric examination, test, or treatment, or any survey, analysis or evaluation that has the purpose or evident intended effect of causing the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:

- (a) political affiliations or, except as provided under Utah Code § 53A-13-101.1 or rules of the Utah State Board of Education, political philosophies;
- (b) mental or psychological problems;
- (c) sexual behavior, orientation, or attitudes;
- (d) illegal, anti-social, self-incriminating, or demeaning behavior;
- (e) critical appraisals of individuals with whom the student or family member has close family relationships;
- (f) religious affiliations or beliefs;
- (g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
- (h) income, except as required by law;

shall obtain prior written consent from the student's parent or guardian at least two (2) weeks before the test/treatment/survey/analysis/evaluation is administered or the information listed above is sought, unless the employee or agent must seek this type of private information due to an emergency, or unless a student spontaneously discloses the information. In the event of an emergency or a spontaneous, unsolicited student disclosure of private information, two-week written notice and parental consent are not required.

The prohibitions also apply within the curriculum and other School activities.

Prior written consent is required in all grades.

### Parental Notice and Consent Checklist

In order to be valid, written parental notice and consent shall include the following:

- (a) parent signature; and
- (b) written notice that the parent may obtain written information concerning:
  - (i) WHY the test, treatment, survey, analysis, or evaluation is being administered;
  - (ii) WHEN the test, treatment, survey, analysis, or evaluation will be administered (the date of administration must be at least two (2) weeks from the date of parent notice);
  - (iii) WHERE the test, treatment, survey, analysis, or evaluation will be administered;
  - (iv) WHO will administering the test, treatment, survey, analysis, or evaluation and who will have access to the information gathered;
  - (v) WHAT information is being sought and HOW it will be collected (i.e., parents must be notified of their right to examine test questions and materials, research proposals and methodologies, etc.);
  - (vi) ADDRESS and PHONE NUMBER of a School employee to whom parents may direct inquiries or concerns (principal, teacher, administrator, etc.).

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 policy.

### Duration of Parental Authorization

Unless otherwise agreed to by a student's parent or guardian and the person requesting written consent, the authorization is valid only for the activity for which it was granted; or until the parent withdraws consent, during the course of the activity, by submitting a written withdrawal of authorization to the school principal.

### Waiver of Parental Notice Period

A parent may waive the 2-week notice period by signing and returning a written waiver to the School.

### Well-being of a Student

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 Child and Family Services (DCFS), it is the responsibility of DCFS to notify the student's parent or guardian.

### Risk of Suicide or Harm

If a school employee or agent believes a student is at risk of attempting suicide, physical self-harm, or harming others, the school employee or agent may intervene and ask a student questions regarding the student's suicidal thoughts, physical self-harming behavior, or thoughts of harming others for the purposes of: (i) referring the student to appropriate prevention services; and (ii) informing the student's parent or legal guardian.

### **Student Education Records Management**

Parents/guardians have the right to inspect and review all of their student's education records maintained by the School. If the education records of a student contain information on more than one student, the parent/guardian may inspect and review or be informed of only the specific information about their student.

- The Principal shall establish appropriate procedures for the granting of a request by a parent/guardian for access to the education records of their child within a reasonable period of time, but in no case more than forty-five (45) days after the request has been made.

Parents/guardians may challenge and request the School to amend any portion of their student's education record that is inaccurate, misleading or in violation of the privacy rights of the student.

- The School shall consider the request and decide whether to amend the records within a reasonable amount of time. If the Principal decides not to amend the record as requested, the Principal shall inform the parent/guardian of the decision and of their right to a hearing.
- If, as a result of the hearing, the School decides that the challenged information is inaccurate or misleading, the record should be amended accordingly and the parent/guardian informed in writing.
- Upon request of a parent or guardian, the School shall provide an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.
- Such hearing shall be informal and shall be conducted by an individual who does not have a direct interest in the outcome of the hearing.

- If, as result of the hearing, the School decides that the challenged information is inaccurate or misleading, the record should be amended accordingly and the parent/guardian informed in writing.
- If, as result of the hearing, the School decides that the challenged information is not inaccurate or misleading, it shall inform the parent/guardian of their right to place a statement in the record, commenting on the challenged information in the record, or stating why they disagree with the decision. Any such document must remain with the contested part of the record for as long as the record is maintained, and shall be disclosed whenever the portion of the record to which the statement relates is disclosed.

The School may not disclose information related to education records without prior consent, except as provided by law. Such exceptions include, but are not limited to:

- school officials who have a legitimate educational interest;
- other schools that have requested the records and in which the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- individuals who have obtained court orders or subpoenas;
- individuals who need to know in cases of health and safety emergencies;
- officials in the juvenile justice system;
- audit and evaluation of federally or state supported education programs;
- the Immigration and Naturalization Service (INS) for foreign students attending school under a visa; or
- the Attorney General of the United States in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes.

The School may disclose directory information for appropriate reasons if it has given parents annual notice of their right to request that their student's directory information not be released by the School.

- The following information relating to students may be declared directory information by the Principal:
  - (a) name, address, and telephone number;
  - (b) date and place of birth;
  - (c) major field of study;
  - (d) participation in officially recognized activities and sports;
  - (e) weight and height of members of athletic teams;
  - (f) dates of attendance;
  - (g) degrees and awards received;
  - (h) most recent previous education agency or institution attended; and
  - (i) photograph

- Appropriate reasons for disclosure of directory information would include, but is not limited to, newspapers for awards, posting in School of awards, student directories, military recruiters, higher education institutions, etc.
- The School shall not release directory information to any individual or organization for commercial use.

The School shall give full rights to student education records to either parent (or guardian), unless the School has been provided with evidence that there is a court order or legally binding instrument relating to such matters as divorce, separation, or custody that specifically revokes these rights.

### **Definitions**

“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy.

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

“Education records” means those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or by a person acting for such agency.

“Ex parte order” means an order made by the court upon the application of one party to an action without notice to the other.

“Legitimate educational interest” is when a school official needs to review an education record in order to fulfill his or her professional responsibility.

“School official” means a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving as a volunteer; a person serving on the School’s Board of Directors; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or to whom the School has outsourced institutional services or functions.

### **References**

20 U.S.C. § 1232g - Family Educational Rights and Privacy Act (FERPA)

20 U.S. C. § 1232h - Protection of Pupil Rights Act

20 U.S.C. § 7908(a)(1) - No Child Left Behind Act of 2001 - Armed Forces recruiter access to student directory information

34 CFR Part 99 - Family Educational Rights and Privacy

Utah Code Ann. § 53A-13-101.3 - Expressions of belief

Utah Code Ann. § 53A-13-301 et seq.- Utah Educational Rights and Privacy Act