

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5145.1

ADOPTED: 02/24/97

CLASSIFICATION: Students

REVISED:

SUBJECT: Parental Rights/Student Privacy

PERSONAL BELIEFS

The Board recognizes that personal beliefs are a private matter. Without the written notice and the written consent of a parent or guardian, no student in grades kindergarten through grade 12 inclusive, shall be given any test, survey, questionnaire, examination, or mental health testing and treatment containing questions about personal or family beliefs or practices in sex, family life, morality, or religion. Further, no test, questionnaire, survey or examination may be given without parent/guardian consent that reveals information concerning, the students or his/her parents/guardians income, political views or affiliations, or mental and/or psychological problems. If a minor is emancipated, the minor may provide his/her own consent to participate in such programs. Notice to parents will be specific and comprehensive.

The notification and consent form shall be in writing and shall contain at least the following:

1. A description of the content of the test, survey, questionnaire, examination or mental health treatment.
2. A description of location, time, and date of the administration of the test survey, questionnaire, examination or mental health treatment or testing.
3. A description of the purpose of the test, survey, questionnaire, examination or mental health treatment that is to be administered.
4. The name and position of the individual(s) administering the test, survey, questionnaire, examination or mental health treatment.
5. A description of how the parent may review and/or obtain a copy of the test, questionnaire, survey, examination, or mental health treatment to be administered if it is not specifically prohibited due to test security/restriction. If such a restriction exists, the parent shall be notified and a description of the types of questions to be administered will be provided.

Written guardian consent forms shall be kept as part of the students official records for a period of not more than one school year.

RESEARCH PROJECTS AND SURVEYS

The *General Education Provisions Act* requires that no student shall be required, without prior written parental/guardian consent, or court or probation department order, as part of any research or experimentation program or project designed to explore or develop new or unproven teaching methods or techniques, to submit to psychiatric examination, testing, or treatment, or psychological examination, testing, or treating in which the primary purpose is to reveal information concerning one or more of the following:

1. Political affiliation.
2. Mental and psychological problems potentially embarrassing to the student or his/her family.
3. Sex behavior and attitudes.
4. Illegal, antisocial, self-incriminating, and demeaning behavior.
5. Critical appraisal of other individuals with whom the student has a close family relationship.
6. Legally recognized privileged and analogous relationships such as those of lawyers, physicians, and ministers.
7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student if the student is an adult or emancipated minor, or without prior written consent of the parent if the student is an unemancipated minor.

Also, the *General Education Provisions Act* requires that all instructional materials, including teacher manuals, films, tapes, speakers, specific subjects addressed, or other supplemental material which will be used in connection with any research or experimentation program or project as defined by the items listed above, shall be made available for inspection by the parents/guardian of children.

In addition, the identification, mission statement, goals and services of the organization conducting the research will be disclosed to the parents.

COUNSELING

As required by law, school counselors shall respect the confidentiality of any personal information disclosed by students twelve (12) years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student twelve (12) or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions to the disclosure of personal information shall only be made under the following circumstances:

1. To health providers, certain psychotherapists, or the school nurse, solely when referring the student for treatment.
2. To child protective services and/or law enforcement officers when reporting child abuse or neglect.
3. To the principal or parents when the counselor believes it necessary to avert a clear and present danger to the health, safety, or welfare of the student, parents, other students, school staff or community members.
4. To the principal, parents, other persons outside the school and others persons necessary inside the school when the student says that a crime will be or has been committed involving the likelihood of personal injury or significant property loss.
5. To any person defined in a specific waiver when the student, twelve (12) years of age or older, has read and signed a waiver naming one or more persons to whom information may be reported. The waiver must be kept in the student's file.
6. To law enforcement agencies when required by court order to aid in a criminal investigation, or when ordered to testify in administrative or judicial proceedings.

In any case, the counselor shall not disclose information to parents/guardians when having any cause to believe that this disclosure would endanger the health, safety or welfare of the student.

This policy shall not be construed to interfere with or affect in any manner whatsoever the requirements of the Superintendent or his/her designee to report child abuse.

NOTE: This policy deals with legal restrictions regarding disclosures made to school counselors who possess valid credentials with specialization in pupil personnel services and who are assigned specifically to counsel students directly. If a student confides in a teacher or other employee, such disclosures may not be covered by these confidentiality restrictions.

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

51513 Personal beliefs

FEDERAL REGULATIONS

20 U.S.C. 1232h(a)(b) *General Education Provisions Act*

PENAL CODE

11165 et seq.

76 Op. Atty. Gen. 262, 11/16/93