



JLDAC - SCREENING/TESTING OF STUDENTS

Parents/caregivers 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. This policy does not cover parental consent for special education evaluations or services. Those requirements are governed by separate state and federal laws.

Parents/caregivers will have the right to review, upon request, any instructional material used as part of the educational curriculum for the student.

Survey, Assessment, Analysis or Evaluation of Students 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 the below information, without prior written consent by the parent/caregiver or eligible student. This requirement applies whether the information is personally identifiable or not:

1. Political affiliations or beliefs of the student or student’s family;
2. Mental or psychological conditions of the student or the student's family;
3. Sex behavior and 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 members of the clergy;
7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);
8. Religious practices, affiliations, or beliefs of the student or student’s family; or
9. Social security number.

Additionally, proposed activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or otherwise providing the information to others for that purpose, must not occur unless the parent/caregiver or eligible student has provided prior written consent regarding such activity.

Notice of Survey, Assessment, Analysis, or Evaluation

School employees 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/caregiver or the eligible student and will make a copy of the document available for viewing. 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/caregiver can access or examine the records or information.

Exceptions to this Policy

Nothing in this policy:

1. Prevents 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. Prevents a District employee from reporting known or suspected child abuse or neglect as required by state law;
3. Limits the ability of a health professional that is acting as an agent of the District to evaluate an individual child;

4. Limits the District's ability to administer a suicide risk assessment or threat assessment; or
5. Requires 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; and
 - student recognition programs.

Physical Screenings

The sight and hearing of all students in kindergarten, first, second, third, fifth, seventh and ninth grades, or students in comparable age groups referred for testing, will be tested during the school year by the school nurse, educational audiologist and/or audiology support staff, teacher, principal or other qualified person authorized by the District, as required by law. The parent/caregiver will be informed when there is a need identified by the screening. This provision will not apply to any student whose parent/caregiver objects on religious or personal grounds.

A parent/caregiver or eligible student can opt the student out. The District or school will provide prior notice of any non-emergency invasive physical examination or any physical screening that is:

1. required as a condition of attendance;
2. administered by the school and scheduled by the school in advance; and
3. not necessary to protect the immediate health and safety of the student, or of other students.

Treatment/Testing for Behavior Issues

District employees 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/caregiver describing the recommended testing and how any test results will be used. Prior to conducting any such testing, employees must obtain written permission from the parent/caregiver or eligible student in accordance with applicable law. Employees are encouraged to discuss concerns about a student's behavior with the parent/caregiver, and such discussions may include a suggestion that the parent/caregiver speak with an appropriate health care professional regarding any behavior concerns that school employees may have.

Annual Notification of Rights

At the beginning of each academic year, the District will inform parents/caregivers and eligible students of their rights under this policy.

Adopted by Board: April 1972

Revised by Board: April 1974

Revised by Board: February 1982

Revised by Board: May 1988

Revised by Board: September 1993

Revised by Board to conform with practice: May 22, 1995

Revised by Board: April 14, 1997

Revised by Board: October 11, 2004

Revised by Board: April 24, 2006

Revised by Board: June 12, 2012, effective July 1, 2012

Revised by Board: June 14, 2016, effective July 1, 2016

Revised by Board:

Cross References:

CL - Research Involving District Students, Employees or Resources

JRA/JRC - Student Records/Release of Information on Students

Legal References

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. 22-1-116 (sight and hearing tests for school children)

C.R.S. 22-1-123 (protection of student data and parental or legal guardian consent for surveys)

C.R.S. 22-32-109(1)(ee) (requires school districts to have a policy related to student treatment limits)

C.R.S. 22-32-109.2 (screening and treatment of emotional/mental disorders or disabilities)