



Emery School District Data Ownership and Access Guidelines

- A. Emery School District will require a signed and dated written request, which must include the person's name, address, phone number, student's name, student identification number (SIN), school name in which their student is enrolled, relationship to the student, items requested for review, and reason for making the request.
- B. Emery School District will require proof of identity and relationship to the student before access to records is granted.
- C. Requests for access to any Emery School District secure materials will require a signed security/confidentiality agreement prior to inspection.
- D. Any proper request for access to inspect and review any personally identifiable data by the eligible student or the student's parents will be granted without unnecessary delay and no more than 45 days after the request is made and the right to access is established by proof of identity and a signed security/confidentiality agreement, if requesting secure materials.
- E. If any record includes data on more than one child, the parents shall be allowed to inspect and review only those records relevant to their child.
- F. Parents shall be provided a response to reasonable requests for explanation or interpretation of the data.
- G. Parents and students, when applicable, have the right to a due process hearing to challenge the content of their child's record or to ensure that the records are accurate and in no way violate the student's right to privacy.

Emery School District Prohibited Activities without Prior Consent

In accordance with 53A-13-301 and 53A-13-302, LEAs shall adopt policies governing the protection of family and student privacy. These policies shall require prior written consent of the parent or legal guardian of a student before administering and collecting the information listed below, whether information is personally identifiable or not.

Prohibited Activities:

Any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation, in which the purpose or intended effect is to cause the student to reveal information concerning the student's or any family member's:

- (a) political affiliations or 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.

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

Prior written consent shall be required from the parent or legal guardian of a student in all grades, kindergarten through grade 12

Prior written consent shall be required for activities within the curriculum as well as other school activities.

Requirements for Valid Prior, Written Consent:

Parent shall be provided written notice, at least two weeks prior to administration (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 Reporting Requirements, or

by order of a court). Following disclosure, a parent or guardian may waive the two-week minimum notification period.

This notice shall include:

- (a) Notice that a copy of the educational or student survey questions is made available at the school
- (b) An Internet address where a parent or legal guardian can view

the exact survey to be administered

(c) Reasonable opportunity to obtain written information concerning:

- a. records or information, including information about relationships, that may be examined or requested
- b. how the records or information shall be examined or reviewed
- c. how the information is to be obtained
- d. the purposes for which the records or information are needed
- e. the entities or persons, regardless of affiliation, who will have access to the personally identifiable information and
- f. a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

Authorization:

The prior consent is valid only for the activity for which it was granted, unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent,

To terminate the authorization, the authorizing parent or guardian shall submit a written withdrawal of authorization to the school principal.

Exceptions

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, unless the matter has been reported to the Division of Child and Family Services within the Department of Human Services.

If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:

- (a) referring the student to appropriate prevention services; and
- (b) informing the student's parent or legal guardian.

In accordance with §53A-11a-203(3), schools shall notify parents or legal guardians of such threats and incidents. Following parent notification of student suicide threat, bullying incident,

cyber-bullying incident, harassment incident, hazing incident or retaliation incident, schools shall maintain a record of the notification, securely and confidentially, consistent with §53A-11a-203.

A sample record of parental notification is provided.