Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

District Policy 2500

Student Privacy and Data Protection

Testing Washington County School District - Adopted 6-9-94; Revised 5-11-99; Revised 5-12-20

1. Purpose:

The purpose of this policy is to ensure the privacy and protection of students and their associated data.

2. Policy:

Washington County School District considers the privacy of students and the protection of the data it collects to be of the utmost importance.

It is the policy of the Washington County School District to protect the privacy of students and their data in accordance with federal and state law. Including the Family Educational Rights and Privacy Act, 20 U.S. Code §1232g and 34 CFR Part 99 (hereinafter "FERPA"), the Governmental Records and Management Act U.C.A. §62G-2 (hereinafter "GRAMA"), U.C.A. §53E-9, Protection of Pupil Rights Amendment 20 U.S.C. §1232h (hereinafter "PPRA") and Utah Administrative Code R277-487.

3. Procedure:

3.1. Student Privacy

3.1.1. Written consent of a student's parent or legal guardian is required prior to the administration of any psychological or psychiatric examination, test, or treatment, where the purpose or effect is to reveal information concerning the student's or any family member's:

3.1.1.1. political affiliations or philosophies;

3.1.1.2. mental or psychological problems;

3.1.1.3. sexual behavior, orientation, or attitudes;

3.1.1.4. illegal, anti-social, self-incriminating, or demeaning behavior;

3.1.1.5. critical appraisals of individuals with whom the student or family member has close family relationships;

3.1.1.6. religious affiliations or beliefs;

3.1.1.7. legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and

3.1.1.8. income, except as required by law.

3.1.2. The prohibitions listed in Section 3.1.1 above, also apply to the curriculum or other school activities unless prior written consent of the student's parent or legal guardian has been obtained.

3.1.3. The Parental Permission to Review and/or Obtain Personal Information (WCSD Form 940) is to be used to allow a parent, legal guardian, or eligible student to grant permission to access or examine personally identifiable information described in Section 3.1.1 above. Written parental consent is valid only if a parent or legal guardian has been first given written notice, including a link to an internet address where a parent or legal guardian can view the survey questions to be administered to the parent or legal guardian's student and a reasonable opportunity to obtain written information concerning;

3.1.3.1. records or information, including information about relationships, that may be examined or requested;

3.1.3.2. the means by which the records or information shall be examined or reviewed;

3.1.3.3. the means by which the information is to be obtained;

3.1.3.4. the purposes for which the records or information are needed;

3.1.3.5. the entities or persons, regardless of affiliation, who will have access to the personally identifiable information.

3.1.3.6. a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

3.1.4. Except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under U.C.A. §62A-4a-401 et seq, Child Abuse or Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian must be given at least two weeks, before information protected under this policy is sought.

3.1.5. Following disclosure, a parent or guardian may waive the two-week minimum notification period.

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

3.1.7. A written withdrawal of authorization submitted to the school principal by the authorizing parent or guardian terminates the authorization.

3.1.8. A general consent, including a general consent used to approve placement in a special education program, or involvement in a remedial program, or consent to participate in a regular school activity, does not constitute written consent under this policy.

3.1.9. This policy does not limit the ability of a student to spontaneously express sentiments or opinions otherwise protected against disclosure under this policy unless the expression unreasonably interferes with order or discipline of the school or threatens the well-being of persons or property.

3.1.10. 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.

3.1.11. If, however, the matter has been reported to the Division of Child and Family Services within the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school.

3.1.11.1. The division may be exempted from the notification requirements described in this section only if it determines that the student would be endangered by notification of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

3.1.12. 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 for the purpose of asking a student questions of minimal invasion regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purpose of.

3.1.12.1. referring the student to appropriate prevention services; and

3.1.12.2. informing the student's parent or legal guardian.

3.2. Student Data Protection

3.2.1. The District and its employees shall follow the District's Data Governance Plan.

3.3. Training and Compliance

3.3.1. The school principal shall ensure that all employees with access to educational records are trained with regards to this policy and student data privacy laws.

3.3.2. Employee Disciplinary Actions shall be in accordance with applicable laws, regulations and District policies. Any employee found to be in violation may be subject to disciplinary action up to and including termination of employment with the Washington County School District.

Attachments:

Form 940 - Parental Permission to Review/Obtain Personal Information/Privacy in Testing