

## **Screening/Testing of Students**

Parents/guardians and eligible students have the right to review any survey, analysis or evaluation administered or distributed by a school to students whether created by the BOCES 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, analysis or evaluation administered or distributed by a school to students will be subject to applicable law protecting the confidentiality of student records.

### **Survey, analysis or evaluation for which consent is required**

Except as otherwise permitted by law, students will not be required to submit to a survey, analysis, or evaluation that is intended to reveal information, whether the information is personally identifiable or not, without prior written consent of the parent/guardian or eligible student, if that survey, analysis, or evaluation reveals information in the following areas ("protected information"):

1. political affiliations or beliefs of the student or the student's parent/guardian
2. mental or psychological conditions of the student or the student's family
3. sexual behavior or 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 ministers
7. religious practices, affiliations or beliefs of the student or the student's parent/guardian
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
9. social security number

BOCES personnel responsible for administering any such survey, analysis or evaluation will give written notice at least two weeks in

advance to the student's parent/guardian or the eligible student and will make a copy of the document available for viewing at convenient times and locations. 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, 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/guardian can grant or deny permission to access or examine the records or information

These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

### **Exceptions to policy**

Nothing in this section of the policy will:

1. prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law
2. be construed to prevent a BOCES employee from reporting known or suspected child abuse or neglect as required by state law
3. be construed to limit the ability of a health professional that is acting as an agent of the BOCES to evaluate an individual child
4. be construed to require parental notice or consent for a survey, 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 BOCES schools

- tests and assessments used by BOCES 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
  - student recognition programs
5. be construed to require parental notice or consent for assessments used to collect evidence of what a student knows and is able to do and to measure a student's academic progress toward attaining an academic standard
  6. limit the ability of the BOCES to administer a suicide assessment or threat assessment

### **Surveys, analysis or evaluation for marketing purposes**

Parents/guardians and eligible students will receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

### **Annual notice**

At the beginning of each academic year, the BOCES will inform parents/guardians and eligible students that the parent/guardian or eligible student has the right to consent before students are required to submit to a survey that concerns one or more of the protected areas and to opt out of the following:

1. activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information;
2. the administration of any protected information survey; or
3. any non-emergency, invasive physical examination or screening (other than a hearing, vision or scoliosis screening) that is:
  - required as a condition of attendance;
  - administered by the school and scheduled by the school in advance; and
  - not necessary to protect the immediate health and safety of the student or of other students.

## **Special education evaluation**

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

(Adoption date)

LEGAL REFS.: 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. 13-22-101 (*18 is age of competence for certain purposes*)  
C.R.S. 27-50-903 (*Sixth through Twelfth Grade Mental Health Screening Program*)  
C.R.S. 27-65-103 (*voluntary applications for mental health services*)

CROSS REFS.: GBEB, Staff  
Conduct  
JRA/JRC, Student Records/Release of Information on Students  
LC, Relations with Education Research Agencies

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