

# SCREENING/TESTING OF STUDENTS

*Policy Number: Board File: JLDAC*

## 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 shall be tested during the school year by the school nurse, teacher, principal or other qualified person authorized by the District, as required by law.

The parent/guardian shall be informed when a deficiency is found. This provision shall not apply to any student whose parent objects on religious or personal grounds.

Parents/guardians and students 18 years of age or older shall receive notice and have the opportunity to opt out of any non-emergency invasive physical examination or any physical screening (such as routine hearing, vision and dental screenings) that is:

1. normally 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 other students.

## Survey, Analysis or Evaluation of Students

Except as otherwise permitted by law, students shall not be required to submit to a survey, analysis, or evaluation related to curriculum or other school activities that is intended to reveal information, whether the information is personally identifiable or not concerning the student or the student's parents/guardians, without written parental consent, that reveals information concerning:

1. political affiliations
2. mental or psychological problems potentially embarrassing to the student or the student's family
3. sex behavior or attitudes
4. illegal, anti-social, self-incriminating and 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. 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 the student's parents/guardians

School personnel responsible for administering any such survey, analysis or evaluation shall give written notice at least two weeks in advance to the student's parent/guardian or to the eligible student, if he/she is 18 years old or older. For purposes of this policy, such student 18 years or older shall be

referred to as an “eligible student.” The notice shall offer to provide the following written information to the parent/guardian or eligible student 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 shall 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 is 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.

Parents/guardians and eligible students shall 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.

Parents/guardians and eligible students have the right to review, upon request, any survey, analysis or evaluation administered or distributed by a school to students whether created by the District or a third party.

Nothing in this policy shall:

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 federal law
2. be construed to prevent a District 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 District 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 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
  - student recognition programs

**Confidentiality**

Any survey, analysis or evaluation administered or distributed by a school to students shall be subject to applicable state and federal laws protecting the confidentiality of student records.

### **Treatment/Testing for Behavior Issues**

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

### **Evaluation of Students with Disabilities**

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.

### **Annual Notification of Rights**

The District, at the beginning of each academic year, shall inform parents/guardians and eligible students of their rights under this policy.

This policy is in addition to and does not supersede any other legal rights of parents/guardians and students.

Adopted: October 21, 2003

### **LEGAL REFS.:**

20 U.S.C. 1232h  
C.R.S. 22-1-123  
C.R.S. 22-32-109(1)(ee)

### **CROSS REFS.:**

JLDA, Student Psychological Services  
JRA/JRC, Student Education Records