



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** J - Students  
**POLICY TITLE:** Student and Family Privacy  
**FILE NO.:** JOA  
**DATED:** August 13, 2025

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### **1. PURPOSE AND PHILOSOPHY**

- 1.1. The Board of Education of Nebo School District values student and family privacy. The District complies with all state and federal laws protecting that privacy. The Board recognizes the protections afforded to students by the [Protection of Pupil Rights Amendment, 20 U.S.C. 1232h](#) (PPRA) and Utah's student privacy laws found at [UTAH CODE ANN. § 53E-9-201 et seq.](#), which place restrictions on the types of information that can be asked of students, and which grant certain rights to parents and students related to their private information.
- 1.2. The purpose of this policy, together with [Nebo School District Policy JO, Student Records](#), is to inform students and their parents of their legal rights to privacy, and to assure that employees understand the District's obligations to protect that privacy.

### **2. PRIVATE INFORMATION**

- 2.1. Information listed in this section about a student or the student's family is private and cannot be asked of students, even anonymously, without prior written consent from the student's parent.
- 2.2. As required under [20 U.S.C. § 1232h\(b\)](#) and [UTAH CODE ANN. § 53E-9-203](#), and as more fully described in section 3, the District must obtain prior written consent from a student's parent before administering to a student
  - 2.2.1. Any psychological or psychiatric examination, test, or treatment; and
  - 2.2.2. Any survey, analysis, or evaluation in which the purpose or effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or the student's family member's:
    - 2.2.2.1. Political affiliations or, except as provided under [UTAH CODE ANN. § 53G-10-202](#) or rules of the Utah State Board of Education, political philosophies or beliefs;
    - 2.2.2.2. Mental or psychological problems;
    - 2.2.2.3. Sexual behavior, orientation, gender identity, or attitudes;
    - 2.2.2.4. Illegal, anti-social, self-incriminating, or demeaning behavior;

- 2.2.2.5.** Critical appraisals of other individuals with whom the survey respondents have close family relationships;
  - 2.2.2.6.** Legally recognized privileged or analogous relationships, such as those of lawyers, medical personnel, or ministers;
  - 2.2.2.7.** Religious practices, affiliations, or beliefs; or
  - 2.2.2.8.** Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- 2.3.** The policy does not limit the ability of the student to spontaneously express sentiments or opinions otherwise protected against disclosure under this policy.

### **3. NOTICE AND CONSENT**

- 3.1.** As outlined in this section, the District must give parents written notice before engaging in certain privacy-related activities such as the administration of certain surveys or the solicitation of private information.
- 3.2.** The district must annually obtain prior written consent for the following at the time a student registers:
  - 3.2.1.** Surveys related to an early warning system described in [UTAH CODE ANN. § 53F-4-207](#);
  - 3.2.2.** Surveys that include social emotional learning questions; and
  - 3.2.3.** The school climate survey described in [UTAH CODE ANN. § 53G-8-802](#).
- 3.3.** For a survey described in section 2, the written notice described in paragraph 3.1 must include:
  - 3.3.1.** The survey that will be administered to the student;
  - 3.3.2.** The intended purposes and uses of the data collected;
  - 3.3.3.** The types of persons or governmental entities that:
    - 3.3.3.1.** Share the collected data, including a list of recipients who will receive the student-level data; or
    - 3.3.3.2.** Receive the data collected from a governmental entity on a regular or contractual basis; and
  - 3.3.4.** The record series as defined in [UTAH CODE ANN. § 63G-2-103](#) in which the data is or will be included, if applicable.
- 3.4.** Prior written and signed parental consent is required in all grades, kindergarten through grade 12.
- 3.5.** In order for the written parental consent to be valid, the parent must be given at least two (2) weeks prior written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available for inspection at the District or the school, and a reasonable opportunity to obtain written information concerning:
  - 3.5.1.** Records or information, including information about relationships, that may be examined or requested;
  - 3.5.2.** The means by which records or information shall be examined or reviewed;
  - 3.5.3.** The means by which the information is to be obtained;
  - 3.5.4.** The purposes for which the records or information are needed;

- 3.5.5.** The entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
- 3.5.6.** A method by which a parent of a student can grant permission to access or examine the personally identifiable information.
- 3.6.** The two (2) week prior written notice to the parent described in subsection 3.5 does not apply in the event of the following:
  - 3.6.1.** An emergency, as reasonably believed as such by the District or the school;
  - 3.6.2.** A situation arising under the Child Abuse or Neglect Reporting Requirements, [UTAH CODE ANN. § 80-2-601, et seq.](#);
  - 3.6.3.** A court order; or
  - 3.6.4.** A signed written waiver returned to the school whereby the parent voluntarily waives the two (2) week minimum notification period.
- 3.7.** Unless otherwise agreed, the parent's consent is valid only for the activity for which it was granted.
- 3.8.** Any written withdrawal of consent submitted to the District or the school by the authorizing parent terminates the consent.
- 3.9.** 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.

#### **4. PARENT RIGHT TO INSPECT**

- 4.1.** A parent has the right to review, upon request, any materials used to collect private information described in section 2. This right also applies to the collection of information from students for marketing purposes, and certain non-emergency medical examinations.
- 4.2.** As provided in [Nebo School District Policy IIA, Student Instruction and Materials](#), parents may inspect, upon request, any instructional material used as part of the educational curriculum for students.

#### **5. MARKETING**

- 5.1.** Personal information will not be collected from students for the purpose of marketing or selling, or otherwise providing such information to others for the purpose of marketing or selling, without prior public notice sufficiently in advance so that a parent may opt out of such disclosure. However, under federal and state law, general directory information as defined in the annual Family Educational Rights and Privacy Act (FERPA) notification is normally subject to release for any lawful purpose, unless a parent has requested that general directory information not be released for his/her student.
- 5.2.** Prior to collection of personal information for any marketing or similar purpose as described in the preceding paragraph, Nebo School District shall permit a parent, upon request, to inspect any instrument used in the collection of such personal information before the instrument is administered or distributed to a student. Upon such request being made, the administration shall notify the requesting parent within a reasonable time that the instrument may be inspected, together with the time and place such inspection may be conducted.
- 5.3.** The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions. Examples may include, but shall not be limited to, the following:
  - 5.3.1.** College or other post-secondary education requirement, or military recruitment.

- 5.3.2. Book clubs, magazines, and programs providing access to low-cost literary products.
- 5.3.3. Curriculum and instructional materials used by elementary and secondary schools.
- 5.3.4. Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.
- 5.3.5. The sale by students of products or services to raise funds for school-related or education-related activities.
- 5.3.6. Student recognition programs.

## **6. MEDICAL EXAMINATIONS OR SCREENINGS**

- 6.1. In the event that any medical examination or screening shall be required of students, prior notice thereof shall be given to parents, to include the nature and purpose of the examination or screening, whether it is required by law, and any opt-out provisions that may be allowed by law. The applicable provisions of federal and state law shall control whether a parent may opt-out a student from any examination or screening. Under federal law, a parent may opt-out his/her student from participating in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered by the District and scheduled in advance; and (c) not necessary to protect the immediate health and safety of the student or of other students. If a parent opts-out his/her student from such examination or screening, the District may require the parent to provide documentation of such examination or screening by the physician at the parent's expense, and the results thereof. Provided, however, any physical examination or screening that is permitted or required by applicable Utah law, including physical examinations or screenings permitted without parental notification, shall not be subject to this provision.
- 6.2. Nebo School District shall annually give written public notice to students and parents of their rights under this policy and the applicable federal and state laws.
- 6.3. Nebo School District shall provide training to administrators and teachers on the implementation of this policy. Violations of the policy may result in disciplinary action.

## **7. SCHOOL COUNSELING AND MENTAL HEALTH SERVICES**

- 7.1. Utah law prohibits District employees from providing a mental health service except when the following conditions are met.
  - 7.1.1. Only a school psychologist, school social worker, or other professional holding a license specified in [Utah Code Ann. § 53G-9-901](#) ("authorized personnel"), or someone supervised by authorized personnel, may provide a mental health service to a student.
  - 7.1.2. Authorized personnel may not provide a mental health service outside the scope of the relevant license or with other students present.
  - 7.1.3. The school must obtain informed written parental consent before authorized personnel may provide the first session of a mental health service in a given school year. Consent must be provided using the Parent Permission for School-Based Mental Health Services form.
  - 7.1.4. Except to ensure a student's immediate safety or to comply with mandatory reporting requirements, authorized personnel may not address a topic or issue for which a parent has expressly stated an intent that the topic or issue not be addressed.
  - 7.1.5. A student's IEP or Section 504 Plan that includes a provision for mental health services satisfies the parental consent requirement under this policy.

- 7.2.** School counselors are not considered authorized personnel under this section unless they are separately licensed as described in paragraph 7.1.1 and consequently may not provide mental health services.

- 7.2.1.** However, school counselors may provide the following services, which are not considered mental health services.

**7.2.1.1.** Describing basic stress-management strategies;

**7.2.1.2.** Informing students and parents of the availability of mental health services; and

**7.2.1.3.** Engaging in generalized crisis response as long as it does not include one-on-one therapy.

- 7.2.2.** If services provided by a school counselor will result in disclosure of private information identified in section 2, the school must first obtain written parental consent. Consent must be provided using the Parent Authorization for Counseling Services form.

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#### **EXHIBITS**

None

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#### **REFERENCES**

[Family Educational Rights and Privacy Act \(FERPA\), 20 U.S.C. § 1232g & 34 CFR 99](#)  
[Protection of Pupil Rights Amendment \(PPRA\), 20 U.S.C. § 1232h & 34 CFR 98](#)  
[UTAH CODE ANN. § 53E-9-101, et seq.](#)  
[UTAH CODE ANN. § 53E-9-201, et seq.](#)  
[UTAH CODE ANN. § 53E-9-301, et seq.](#)  
[UTAH CODE ANN. § 53G-10-202](#)  
[UTAH CODE ANN. § 80-2-601, et seq.](#)  
[Nebo School District Policy IIA, \*Student Instruction and Materials\*](#)  
[Nebo School District Policy JO, \*Student Records\*](#)

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#### **FORMS**

None

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#### **HISTORY**

**Revised 13 August 2025** – updated links; reorganized; updated per changes to Utah law; added section on mental health services per HB 281 (2025).

**Revised 9 September 2020** – reformatted; added purpose and philosophy; updated citations and legal authority; made technical changes.

**Adopted or Revised 11 May 2005**

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