

Students

PRIVACY

The Governing Board recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family life, morality, or religion. (Education Code 60650)

As required by law, school counselors shall respect the confidentiality of any personal information disclosed by students twelve (12) years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student twelve (12) or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law:

1. In discussion with health care providers, certain psychotherapists, or the school nurse, solely when referring the student for treatment.
2. As required by law when reporting child abuse or neglect.
3. To the principal or parents when the counselor believes it necessary to avert a clear and present danger to the health, safety, or welfare of the student, parents, other students, school staff or community members.
(cf. 5113 re. Confidential Medical Services)
4. To the principal, parents, other persons outside the school and other persons as necessary inside the school when the student says that a crime will be or has been committed involving the likelihood of personal injury or significant property loss.
5. When the student, twelve (12) years of age or older, has read and signed a waiver naming one or more persons to whom information may be reported. The waiver must be kept in the student's file.
6. To law enforcement agencies when required by court order to aid in a criminal investigation or when ordered to testify in administrative or judicial proceedings.

In any case, the counselor shall not disclose information to parents when having any cause to believe that this disclosure would endanger the health, safety or welfare of the student.

(cf. 1312.4 – Complaints Concerning Consolidated Categorical Aid Programs)

(cf. 6144 – Controversial Issues)

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

60650 Personal beliefs

PRIVACY (continued)

Management Resources

CDE LEGAL ADVISORIES

0328.09 Duties and Liabilities of School Counselors