

Medical Recommendations by School Personnel to Parents

Definitions

- A. "Health care professional" means a physician, physician assistant, nurse, dentist, or mental health therapist.
- B. "School personnel" means any school district/charter school employee, including licensed, part-time, contract and non-licensed employees.
- C. "Mental health professional" (under this statute) means clinical and certified social worker; marriage and family therapist; professional counselor; substance abuse counselor; physician, surgeon or osteopathic physician engaged in the practice of mental health therapy; advanced practice registered nurse specializing in psychiatric mental health nursing; psychologist qualified in mental health therapy.
- D. "Mental health professional licensed by the State Board of Education" means school psychologists.
- E. "Parent" means legal guardian.

Purpose

The purpose of this policy is to clarify for school personnel and parents the recommendations or directions that school personnel may make or give to parents about seeking health care professionals or using specific medications for their children. Promontory School of Expeditionary Learning recognizes that the decision for a student to see a healthcare professional or use medication is a parental decision. In working with students, school personnel may be in a position to make or give recommendations to parents which impact their children's education. This policy is consistent with Utah State Code 53G-9-203.

Policy

A. School personnel MAY:

1. provide information and observations to parents/guardians about their children. Such information or reports may include observations and concerns about in the following:
 - i. progress;
 - ii. health and wellness;
 - iii. social interactions;
 - iv. behavior; and
 - v. topics consistent with Utah code 53E-9-203(6)
2. communicate information and observations between school personnel about a child.
3. refer a student to appropriate school personnel and agents, in accordance with Promontory School guidelines and procedures, including referrals and communication with a school counselor or mental health professionals working within the school system.
4. consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with student emergency information provided at student enrollment.
5. exercise their authority relating to the placement within or readmission of a student who may be or has been suspended or expelled.
6. complete a behavioral health evaluation form if requested by the student's parent to provide information to a licensed physician or physician assistant.

B. School personnel SHALL:

1. report suspected child abuse consistent with section 62A-4a-403 of Utah State Code;
2. comply with state and local health department laws, rules

and policies;

3. conduct student evaluations/assessments consistent with IDEA

C. Except as provided in Subsection (A), Subsection (E), and Section 53G-9-604, school personnel MAY NOT:

1. recommend to a parent/guardian that a child take or continue to take psychotropic medication;
2. require that a student take or continue to take a psychotropic medication as a condition for attending school;
3. recommend that parent/guardian seek or use a psychiatric/psychological treatment for a child;
4. conduct a psychiatric/ behavioral health evaluation or mental health screening, test, evaluation, assessment of a child except where specifically required by IDEA;
5. make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent refuses to consent to:
 - i. a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or
 - ii. a psychiatric or behavioral health evaluation of a child.

D. Notwithstanding Subsection (C)(5), school personnel may make a report that would otherwise be prohibited under Subsection (C)(5) if failure to take the action described under Subsection (C)(5) would present a serious, imminent risk to the child's safety or the safety of others.

E. Notwithstanding Subsection (C), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed by the State Board of Education, working within the school system MAY:

1. recommend, but not require, psychiatric/behavioral health evaluation or treatment of a child;
2. recommend, but not require, psychological or behavioral treatment of a child;

3. conduct a child psychiatric/behavioral health evaluation or mental health screening, test, evaluation, assessment consistent with 53E-9-203 ;
 4. provide to a parent, upon specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, physician assistant, psychologists, or other health specialists.
- F. Local school boards or charter schools shall adopt a policy:
1. providing for training of appropriate school personnel on the provisions of this section; and
 2. indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.
- G. Nothing in this policy shall be interpreted as discouraging general communication not prohibited by this policy between school personnel and a student's parent.

Training

Appropriate school personnel shall receive training from their supervisor on the provisions of this policy.

Penalties for Violation

Intentional violation of this policy may subject school personnel to discipline consistent with state law under section 53G-11-513, the Ethics policy, and the Employee Handbook.