

Students

**PRIVACY**

The Governing Board recognizes that personal beliefs are a private matter. No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs or practices in sex, family life, morality, and religion, or any questions about the pupil's parent's/guardian's beliefs and practices in sex, family life, morality, and religion, shall be administered to any student unless the parent/guardian of the student is notified in writing that this test, questionnaire, survey, or examination is to be administered and the parent/guardian of the student gives written permission for the student to take the test, questionnaire, survey, or examination. (Education Code 51513)

Any information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a school counselor as specified in Section 49600 is confidential. Any information of a personal nature disclosed to a school counselor by a parent/guardian of a student who is 12 years of age or older and who is in the process of receiving counseling from a school counselor as specified in Section 49600 is confidential. This information shall not become part of the student record, as defined in subdivision (b) of Section 49061, without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to, except as follows: (Education Code 49602)

1. Discussion with psychotherapists as defined by Section 1010 of the Evidence Code, other health care providers, or the school nurse, for the sole purpose of referring the student for treatment.
2. Reporting of child abuse or neglect as required by Article 2.5 (commencing with Section 1165) of Chapter 2 of Title 1 of Part 4 of the Penal Code.
3. Reporting information to the principal or parents of the student when the school counselor has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health and safety or welfare of the student or the following other persons living in the school community: administrators, teachers, school staff, parents, students, and other school community members.
4. Reporting information to the principal, other persons as necessary, the parents of the student, and other persons outside the school when the student indicates that a crime, involving the likelihood of personal injury or significant or substantial property losses, will or has been committed.
5. Reporting information to one or more persons specified in a written waiver after this written waiver of confidence is read and signed by the pupil and preserved in the student's file.

Students

**PRIVACY** (continued)

Notwithstanding the above provisions, a school counselor shall not disclose information deemed to be confidential pursuant to this section to the parents of the pupil when the school counselor has reasonable cause to believe that the disclosure would result in a clear and present danger to the health, safety, or welfare of the student. (Education Code 49602)

Notwithstanding the above provisions, a school counselor shall disclose information deemed to be confidential pursuant to this section to law enforcement agencies when ordered to do so by order of a court of law, to aid in the investigation of a crime, or when ordered to testify in any administrative or judicial proceeding. (Education Code 49602)

Nothing in the above provisions shall be deemed to limit access to pupil records as provided in Section 49076. (Education Code 49602)

Nothing shall be deemed to limit the counselor from conferring with other school staff, as appropriate, regarding modification of the student's academic program. (Education Code 49602)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 6144 - Controversial Issues)*

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

49076 Access to records by persons with written parental consent or under judicial order

51513 Materials containing questions about beliefs or practices in sex, family life, morality, and religion; requirements