

SCREENING/TESTING OF STUDENTS
Psychological Practices

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The parent or guardian of the student being evaluated must be notified in writing and parental consent must be obtained after providing the parent or eligible students with a full explanation of the method or practice and the reason for the evaluation of the student's suspected disability and shall make a copy of the document available for viewing at convenient times and locations. For purposes of this policy, "eligible student" means a student 18 years of age or older or an emancipated minor.

The giving of parental permission for evaluation in anticipation of a special education staffing and possible provision of services for a student having a disability and any subsequent approval for the provision of such services is governed by state and federal law and is outside the scope of this policy. This policy is in addition to, and does not supersede any other legal rights or obligations of parents and students.

Definitions

As used in this policy, the following terms and phrases have the following definitions:

The phrase "*delivery of educational programs and courses of instruction or study*" means activities which take place in the course of teaching a subject, and is not intended to apply to counseling, assessment or other activities not directly related to the delivery of instruction, nor is it intended to apply to teaching about psychiatry as a medical science or psychology as a social science.

The term "*psychiatric method or procedure*" means the treatment, diagnosis, testing, assessment or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship or attitudinal conflicts or modify behaviors which interfere with affective emotional, social or intellectual functioning.

The term "*psychological method or procedure*" means the same as practice of psychology as that term is currently defined under Colorado law. The current definition states that practice of psychology includes, but is not limited to:

1. The use of psychological methods of interviewing and consulting for the purpose of

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- evaluating the mental or emotional functioning of a person;
2. The construction, administration and interpretation of tests assessing intellectual abilities, personality characteristics, cognitive skills, psychopathology and psychophysiological characteristics;
 3. The diagnosis and treatment of emotional, behavioral and mental disorders or psychological aspects of physical dysfunctions;
 4. The methods and procedures of psychotherapy and psychological counseling, including but not limited to biofeedback, hypnotherapy, and individual, couple, family and group therapy; and
 5. The application of research of research methodologies, statistics and experimental design to psychological data.

Psychiatric/Psychological/Behavior Testing Methods or Procedures

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 parent/guardian or eligible student 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 that school personnel may have. Only those persons appropriately certified or licensed may expose students to any psychiatric or psychological method or procedure for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent/guardian.

Licensed school personnel are encouraged to be knowledgeable about psychiatric or psychological

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methods and procedures but shall not be involved in any diagnosis, assessment or treatment of any type of mental disorder or disability unless appropriately certified. In accordance with state law, school personnel including certified school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teach about psychological or psychiatric methods or procedures shall be permissible and considered outside the scope of this policy. It is understood that there is a significant difference between practicing therapy and providing activities that may be therapeutic in nature. Any teacher who questions whether a planned activity involving psychiatric or psychological methods or procedures for which the teacher may not be properly certified or licensed shall consult with the school principal.

LEGAL REFS.: 20 U.S.C. 1232g (*Family Education Rights and Privacy Act*)
 20 U.S.C. 1232h (*rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation*)
 C.R.S. 12-43-202.5 (*minor who is 12 years of age or older may consent to psychotherapy without parent/guardian consent, subject to specific requirements*)
 C.R.S. 13-22-101 (*18 is age of competence for certain purposes*)
 C.R.S. 22-1-123 (*district shall comply with federal law on protection of pupil rights; Colorado provisions regarding survey, assessment, analysis and evaluation of students*)
 C.R.S. 22-32-109 (1)(ee) (*duty to adopt policy prohibiting personnel from ordering behavior tests without parent permission*)
 C.R.S. 22-32-109.2 (*screening and treatment of emotional/mental disorders or disabilities*)
 C.R.S. 27-65-103 (*voluntary applications for mental health services*)

CROSS REFS.: GCS, Professional Research and Publishing

AURORA PUBLIC SCHOOLS
Adopted September 1992
Revised September 2007
Revised November 2012
Revised January 2014

APS Code: JLDAC

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JRA/JRC, Student Records/Release of Information on Students
IL, Testing Programs
LC, Relations with Education Research Agencies