



# Health and Welfare Policy

## Merit Preparatory Academy

### Purpose

Merit Preparatory Academy adheres to working in collaboration with parents/guardians in the education of our students. In the implementation of all policies, programs, and responsibilities adopted by or granted to Merit Preparatory Academy, we shall respect, protect, and further the interest of parents/guardians in their children's public education and promote and encourage full and active participation and involvement of parents/guardians at Merit Academy (*Utah Code 53E-2-201*). *We hold that the primary responsibility for the education of children within the state resides with their parents/guardians and that the role of state and local governments is to support and assist parents/guardians in fulfilling that responsibility (Utah Code 53G-10-204)*. This policy outlines proper procedure for sharing information between parents/guardians, school personnel, and other community resource members.

### Definitions

**"Health care professional"** means a physician, physician assistant, nurse, dentist, or mental health professional or therapist.

**"School personnel"** means a school district or charter school employee, including a licensed, part-time, contract, or unlicensed employee

**"Prior informed written consent"** is a signed and dated document granting permission for a student to participate in one specific activity, discussion, or lesson, obtained by the school from the student's parents/guardians at least two weeks prior to the activity, discussion or lesson.

In legal terms, "informed consent" is the act of agreeing to allow something to happen or to do something with a full understanding of all the relevant facts, including risks and available alternatives. In the context of this policy, "prior informed written consent" assumes an opt-in mechanism. That is, without an informed written consent from a parent or guardian, the student will not participate in the lesson activity or discussion.

### Policy

- I. **School personnel will work in partnership with parents/guardians who ultimately hold the responsibility for the education of their students and provide information and observations to a student's parents/guardians about that student, including observations and concerns in the following areas:**
  - A. Progress;
    1. Health and wellness;

2. Social interactions;
  3. Behavior;
    - a. If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parents/guardians without delay.
    - b. If, however, the matter has been reported to the Division of Child and Family Services (DCFS) within the department of human services, it is the responsibility of the division to notify the student's parents/guardians of any possible investigation, prior to the student's return home from school.
    - c. The DCFS may be exempted from the notification requirements described in the subsection only if it determines that the student would be endangered by notifying the student's parents/guardians or if that notification is otherwise prohibited by state or federal law.
- B. School personnel shall immediately notify the student's parents/guardians, if the employee believes that the student is at risk of attempting suicide, physical self harm, or harming others
1. school employee may intervene and ask the student questions regarding the student's suicidal thoughts, physically self harming behavior, or thoughts of harming others, for the purposes of:
    - a. Referring the student to appropriate prevention services; and
    - b. Informing the student's parents/guardians
  2. If the student is involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

**II. At the request of the student's parents/guardians, Merit Academy staff members may provide information and make recommendations related to the reported information.**

**III. Merit Academy will maintain a record that verifies parents/guardians were notified of observations or concerns regarding progress, health and wellness, social interactions, behavior, suicidal thoughts or actions, physical self harm, harming others, or incidences of bullying, cyber bullying, hazing, abusive conduct, or retaliation. That record shall be kept in accordance with Student Privacy, Data Protection, and the Family Educational Rights and Privacy Acts.**

A. Merit Academy shall

1. provide a student a copy of his or her record if requested by the student's parents/guardians
2. Expunge a record if the student
  - a. Has graduated from high school, and
  - b. Requests that the record be expunged

**IV. Only with the knowledge of the student's parents/guardians may school personnel Communicate information and observations between other school personnel regarding a child:**

- A. To refer students to appropriate resources, this includes referrals and communication with a school counselor or other mental health professionals working within the school system.
- B. Personnel may exercise their authority relating to the placement of a student within the school or readmission of a student, who may be, or has been suspended or expelled for a violation of Section 53G-9-604.

**V. School personnel may consult or call upon appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at the student's enrollment. Every effort shall be made to notify the parents/guardians immediately regarding such action.**

- A. If requested by the parents/guardians, school personnel may complete a behavioral health evaluation form, to provide information to a licensed physician or physician assistant.

**VI. School personnel shall:**

- A. report suspected child abuse consistent with Section [80-2-602](#);
- B. comply with applicable state and local health department laws, rules, and policies; and
- C. conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

**VII. School personnel may not:**

- A. recommend to a parents/guardians that a child take or continue to take a psychotropic medication;
- B. require that a student take or continue to take a psychotropic medication as a condition for attending school;
- C. recommend that parents/guardians seek or use a type of psychiatric or psychological treatment for a child;
- D. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except in cases that conflict with the [Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.](#), and its subsequent amendments; or
- E. make a report of child abuse or neglect to authorities, including the Division of Child and Family Services, solely or primarily on the basis that parents/guardians refuse to consent to:
  - 1. a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or
  - 2. a psychiatric or behavioral health evaluation of a child.
  - 3. School personnel may make a report that would otherwise be prohibited under this subsection, if failure to take action would present a serious, imminent risk to the child's safety or the safety of others.

**VIII. Notwithstanding subsection (V), a school counselor or other mental health professional, acting in accordance with title 58, chapter 60, mental health professional practice act, or licensed through the state board, working within the school system may:**

- A. recommend, but not require, a psychiatric or behavioral health evaluation of a child;
- B. recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;
- C. With parents/guardians consent, conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child;
- D. provide to parents/guardians, upon the specific request of the parents/guardians, a list of three or more health care professionals or providers, including licensed physicians, physician assistants, psychologists, or other health specialists.

**IX. Merit Academy staff members are prohibited from administering to a student any psychological, or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written informed consent of the student's parents/guardians, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable, or not, concerning the student's or any family members':**

- A. Political affiliations or political philosophies
- B. Mental or psychological problems
- C. Sexual behavior, orientation, or attitudes;
- D. Illegal, antisocial, self-incriminating, or demeaning behavior;
- E. Critical appraisals of individuals with whom the student or family member has close, family, relationships;
- F. Religious affiliations, or beliefs;
- G. Legally recognized, privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers;
- H. Income, except as required by law.

**X. Merit Academy staff members are also prohibited from including topics as listed in VII (a-h) and as outlined in [53G-9-207 (1)(3)] in the curriculum and other school activities, Without the express consent of the Board of Trustees and the prior written informed consent of the student's parents/guardians.**

**XI. Further, all displays, instructional and curricular materials used at MPA or at MPA sponsored events shall be consistent with the following principles of impartiality and individual freedom:**

- A. the principle that all individuals are equal before the law and have unalienable rights;
- B. and the following principles of individual freedom:
  - 1. that no individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;
  - 2. that no race is inherently superior or inferior to another race;
  - 3. that no person should be subject to discrimination or adverse treatment solely or partly on the basis of the individual's race, color, national origin, religion, disability, sex, or sexual orientation;
  - 4. that meritocracy or character traits, including hard work ethic, are not racist nor associated with or inconsistent with any racial or ethnic group; and

5. that an individual, by virtue of the individual's race or sex, does not bear responsibility for actions that other members of the same race or sex committed in the past or present.
6. Nothing in this section prohibits instruction regarding race, color, national origin, religion, disability, or sex in a manner that is consistent with the principles described

**XII. Prior informed written consent is:**

- A. Required in all grades 7-12
- B. Valid only if parents/guardians have first been given written notice, including notice that a copy of the educational student survey questions to be asked of the student is made available at the school or online, and a reasonable opportunity to obtain written information concerning:
  1. Records or information, including information about relationships, that may be examined or requested;
  2. The means by which the records or information shall be examined or reviewed;
  3. The means by which the information is to be obtained;
  4. The purposes for which the records or information are needed;
  5. The entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
  6. A method by which parents/guardians of a student can grant permission to access or examine the personally identifiable information.
- C. For a survey to be administered, an Internet address where parents/guardians can view the exact survey to be administered, must be provided.
- D. Disclosure to parents/guardians must be given at least two weeks before information protected under this policy is sought, except in a situation, where a school employee reasonably believes it to be an emergency.
- E. Unless otherwise agreed to by a student's parents/guardians, and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
- F. A written withdrawal of authorization submitted to the school director by the authorizing parents/guardians terminates the authorization.
- G. General consent for school services does not constitute written consent under this policy.

**XIII. Process for Notifying Parents/Guardians of Concerns and Observations:**

Parents/guardians must be notified of information pertaining to their student as soon as possible and no more than 3 days of school personnel receiving or being made aware of the information. Parents/guardians will be notified through both a phone call and a follow-up email. The email correspondence will be saved in the student's file as part of the student record.

**XIV. Process for training school personnel on this policy:**

Merit Academy staff will receive yearly inservice training on this policy during the preservice training days.

All staff will sign an affidavit confirming that they have read and understand the information

contained in this policy and that they agree to abide by the policy and are accountable according to the provisions of this policy.

**XV. Disciplinary action for failure to adhere to the policy:**

- A. If a staff member is found violating the terms of this policy, the active service of the employee will be suspended.
- B. In order to determine the validity of the allegations, a council consisting of the employee's direct supervisor, a member of the administrative team and a member of the board will assemble to make a recommendation to continue or terminate the investigation.
- C. If the decision is made to continue the investigation, the administrative member will provide the employee with a written statement, specifying the points of this policy, which were violated, and the next steps of the process of the investigation which may consist of the following:
  - 1. Suspension without pay pending a hearing. The hearing shall be an opportunity for an informal conference to discuss the allegations, for the employee to present his or her perspective and explanation, and an opportunity to train, or re-train the staff member.
  - 2. If the staff member responds positively to the correction, here she may resume their responsibilities.
  - 3. The employee may receive back pay for the period of suspension without pay.
  - 4. If the staff member is resistant to correction or reluctant to abide by the policy, he/she may be terminated immediately.
- D. If the employee is found to violate the policy a second time, that employee may be terminated immediately.
- E. When the decision is made to terminate the employee, a written notice of final termination, including findings of the investigation, shall be provided to the employee. Additionally, a copy of the findings shall be included in the permanent employee file.

**References: Utah State Codes: 53G-9-203, 53E-2-201, 53G-10-204, 53G-9-604, 53E-9-203, 53G-11-513**

Board Approved: 5/16/23