

UTAH FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Utah Code 53A-13-301



Purpose: To establish that certain issues or areas of discussion are best discussed in a private or family setting and should only be discussed in a school setting or with school personnel with parental permission.



Issues that require written parental consent prior to discussion with students.

- ⇒ political affiliations and philosophies
- ⇒ mental or psychological problems
- ⇒ sexual behavior, orientation, or attitudes
- ⇒ illegal, antisocial, self incriminating, or demeaning behavior
- ⇒ critical appraisals of close family members
- ⇒ religious affiliations or beliefs
- ⇒ legally recognized privileged relationships (priests, doctors)
- ⇒ income, unless required by law

Spontaneous student disclosure of the above information does not violate FERPA.

The statute exempts school employees for the following reasons:

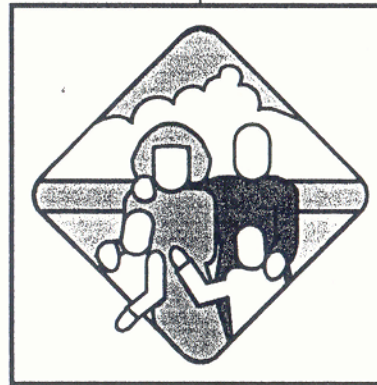
- ⇒ responding to a situation that they "reasonably believe to be an emergency".
- ⇒ acting in compliance with state child abuse reporting statutes or a court order.

When an educator believes that "a situation exists which presents a serious threat to the well-being of the student," the educator is to "notify the student's parent or guardian without delay." Examples of "serious threats" include:

- ⇒ abusing drugs
- ⇒ possession of illegal contraband
- ⇒ promiscuous sexual activity
- ⇒ attempted suicide
- ⇒ involvement in criminal or delinquent conduct.

This law applies when student questions are formatted and presented in the following ways:

- ⇒ survey
- ⇒ evaluation
- ⇒ classroom discussion
- ⇒ private discussions with teacher and/or school counselor



Parents must be notified at least two weeks before assignments or planned curriculum activities are scheduled about protected areas.

The law requires a response from the parent or legal guardian before the student can participate in discussion of protected areas or subject matter.