

MEDICAL RECOMMENDATIONS
WHAT SCHOOL EMPLOYEES CAN AND CANNOT DO
53A-11-605, effective March 2, 2007

Definitions:

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

"School personnel" means any school district/charter school employee, including licensed, part-time, contract and nonlicensed employees.

"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.

"Mental health professional licensed by the State Board of Education" means school psychologists.

"Parent" means natural parent or legal guardian.

School personnel MAY:

- provide information and observations to a student's parent about the student, including observations and concerns about the following:
 - progress
 - health and wellness
 - social interactions
 - behavior or
 - situations which exist that "present a serious threat to the well being of a student" (Section 53A-13-302(6))
- communicate information /observations between school personnel about a child
- refer student to appropriate school personnel/agents, consistent with local school board/charter school policy, including to a school counselor or other mental health professionals within the school system
- consult or use appropriate health care professionals in emergency situations while student is at school, consistent with student emergency information provided at student enrollment (note that schools should now provide this information at enrollment, if they have not done so)
- do whatever is necessary regarding placement within a school or readmission of students who have been suspended/expelled.
- complete a behavioral health evaluation form (undefined) if requested by student's parent to provide information to a physician

School personnel SHALL:

- report suspected child abuse consistent with state law;
- comply with state and local health department laws, rules and policies;
- conduct student evaluations/assessments consistent with IDEA

School personnel MAY NOT:

- require that a student take/continue to take psychotropic medication(s);
- recommend that parent seek or use a psychiatric/psychological treatment for a child;
- conduct a psychiatric/ behavioral health evaluation or mental health screening, test, evaluation, assessment of a child except where specifically required by IDEA;
- make a report of suspected child abuse only because a parent refuses to allow a psychiatric, psychological, behavioral treatment for a child UNLESS not doing so would "present a serious, imminent risk" to a child's safety or the safety of others;

School counselor or other mental health professional or mental health professional licensed by the State Board of Education (school psychologists) and working within the school system MAY:

- recommend, but not require, psychiatric/behavioral health evaluation or treatment of a child;
- recommend, but not require, psychological treatment of a child;
- conduct a child psychiatric/behavioral health evaluation or mental health screening, test, evaluation, assessment consistent with 53A-13-302 (only in non-protected subject areas or with prior written parental consent)
- provide to parent, upon specific request, a list of three or more health care professionals/providers

Local SCHOOL BOARDS/CHARTER SCHOOLS SHALL:

- Adopt a policy
- In the policy,
 - provide for training of school personnel on this information
 - state that intentional violation of provisions of this information is cause for disciplinary action under local school board/charter school policies or educator licensing action.

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