

**17 GCA EDUCATION
CH. 6 PUPILS**

**CHAPTER 6
PUPILS**

SOURCE: This Chapter was repealed and reenacted in its entirety by P.L. 26:026:3 (July 5, 2001); and again by P.L. 26-104:3 (June 11, 2002).

NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

- Article 1. Pupils Generally.
- Article 2. School for the Deaf and Blind.
- Article 3. Auxiliary Services.
- Article 4. Pupil Truancy, Suspension and Expulsion.
- Article 5. Common Sense in Medicating Students Law.
- Article 6. Protection of Minors' and Students' Rights Act.
- Article 7. Mental Health Screening, Child Protection and Informed Consent Act.

**ARTICLE 1
PUPILS GENERALLY**

- § 6101. Standards.
- § 6102. Duty to Send Children to School.
- § 6103. Children who Have Reached the Age of Five (5) Years Eligible to Attend.
- § 6104. Policy and Procedures.
- § 6105.1. Sunset Provision Underage Screening and Enrollment.
- § 6106. Option to Use Last Day of the Month as the Starting Date to Determine Minimum Enrollment Age for Children.
- § 6107. Early Entrance Date; Public Schools: Gifted Children.
- § 6108. Same: Sick Persons. [Repealed]
- § 6109. Private Instruction.
- § 6110. Compliance of Pupils Required.
- § 6111. Liability for Injury to Property.
- § 6112. Free Medical Expenses for Injured Pupils.
- § 6113. Guaranteed Entrance to Classrooms.
- § 6114. Student Activities Money.

**17 GCA EDUCATION
CH. 6 PUPILS**

- § 6115. Same: Committee.
- § 6116. Student Activities Fund.
- § 6117. Student Activities Treasurer: Audit.
- § 6118. Junior Reserve Officers Training Corps (“JROTC”) Fund.
- § 6119. Summer School Fund.
- § 6120. Kindergarten Day and Year.

§ 6101. Standards.

It shall be the duty of the Board to adopt and place into effect for the public schools of Guam standards and standard practices regarding hours of commencement of schools and classes, recesses, lunch periods and hours of discontinuance of classes.

(a) Such standards and standard practices shall be adopted in accordance with sound educational practices with due regard for health, growth and general welfare of the pupils.

(b) Such standards so adopted shall also cause the standardization of all school policies in such a manner as to be not inconsistent with the Organic Act of Guam or with the economic means of parents.

SOURCE: GC § 11400. Codified as 17 GCA § 6101. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:3 (June 11, 2002).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

§ 6102. Duty to Send Children to School.

(a) Any parent, guardian or other person having control or charge of any child who is *at least* five (5) years of age and has *not* reached the age of eighteen (18) years, *not* exempted under the provisions of this Article, *shall* send the child to a public or private full-time day school for the full-time of which such schools are in session, *except* that the starting date of school for children five (5) years of age *shall* be determined by the provisions of §§ 6103 and 6107 of this Article.

17 GCA EDUCATION
CH. 6 PUPILS

(b) A student is exempted from the upper age requirement if the student graduates or obtains a General Educational Development (GED), prior to eighteen (18) years of age.

(c) The Superintendent is authorized to establish attendance areas.

(d) Any parent, guardian, or other person having control or charge of any such child who is at least five (5) years of age, and has not reached the age of eighteen (18) years, who fails to comply with the provisions of this Section, *unless* excused or exempted therefrom, is guilty of a violation for the first offense, and subject to perform one hundred (100) hours of community service at the school of the student. For each subsequent offense, the person is guilty of a petty misdemeanor.

SOURCE: GC § 11401. Amended by P.L. 10-098:1 (Aug. 10, 1969). Codified as 17 GCA § 6102. Amended by P.L. 24-142:11 (Feb. 27, 1998), P.L. 25-153:1 (July 10, 2000). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:3 (June 11, 2002). Amended by P.L. 34-104:2 (June 5, 2018).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

§ 6103. Children who Have Reached the Age of Five (5) Years Eligible to Attend.

(a) Any child whose fifth birthday falls on or before the commencement date of classes may, in such year, enroll in the kindergarten of any public school within Guam which the child is otherwise eligible to attend, except that any child whose fifth birthday falls within one hundred twenty-five (125) days after the beginning date of classes on the school calendar in the attendance area where they live, and are designated to attend, may enroll in kindergarten, subject to the approval of the principal of the school pursuant to the policy mandated by §§ 6104 and 6105 of this Act.

(b) The effective date of this Section shall be the start of School Year 1998-1999.

SOURCE: GC 11401.1. Amended by P.L. 10-098:2 (Aug. 10, 1969). Codified as 17 GCA § 6103. Repealed and reenacted by P.L. 24-026:2 (May 15, 1997). Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed

17 GCA EDUCATION
CH. 6 PUPILS

and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-029:1 (July 19, 2001), P.L. 26-104:3 (June 11, 2002).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

§ 6104. Policy and Procedures.

The Department of Education shall, prior to the start of School Year 1998-1999, develop a policy and implement procedures by which children, who will have reached the age of five (5) within one hundred twenty-five (125) days after the beginning date of classes on the school calendar in the attendance area where they live and are designated to attend, and whose parents or guardians so desire, will be screened to determine readiness for school.

SOURCE: Added by P.L. 24-026:3 (May 15, 1997) as 17 GCA § 6103.1. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted to this section by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-029:2 (July 19, 2001), P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11401.2, entitled "*Early Entrance Date; The Public Schools: Gifted Children.*" Codified as 17 GCA § 6104. Reenacted as 17 GCA § 6107 by P.L. 26-026:3 (July 5, 2001).

§ 6105. Exception for the 1997-1998 School Year.

Notwithstanding the provisions of § 6102 of this Chapter, for the School Year 1997-1998, any parent, guardian or other person having control or charge of any child who will reach the age of five (5) years within one hundred twenty-five (125) days after the beginning of classes, may, at that person's option, choose not to send such child to school for that school year.

SOURCE: Added by P.L. 24-026:3 (May 15, 1997) as 17 GCA § 6103.2. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted to this section by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11402, entitled "*Same: Sick Person,*" Codified as 17 GCA § 6105. Reenacted as 17 GCA § 6108 by P.L. 26-026:3 (July 5, 2001).

§ 6105.1. Sunset Provision Underage Screening and Enrollment.

Notwithstanding the provisions of §§ 6103 and 6104, beginning with the School Year 2002 - 2003, all students must be at

17 GCA EDUCATION
CH. 6 PUPILS

least five (5) years of age by July 31 of each year for enrollment in kindergarten for that school year. The Department of Education shall announce the starting date for schools at least one hundred eighty (180) days in advance of the starting date. There shall be no further screening for underage enrollment in kindergarten after the School Year 2001 -2002.

SOURCE: Added by P.L. 26-029:3 (July 19, 2001). Amended by P.L. 26-104:3 (June 11, 2002).

§ 6106. Option to Use Last Day of the Month as the Starting Date to Determine Minimum Enrollment Age for Children.

Notwithstanding the provisions of § 6103 of this Chapter regarding the beginning date of classes for each school, the Interim Governing Board and the District Boards may use the last day of the month in which classes begin for determining the minimum age a child shall attend school in cases where the beginning date of classes in the school calendar is advanced to an earlier starting date to accommodate special events or programs. After the School Year 1998-1999, at least three (3) months' notice shall be given of any changes to advance the beginning date of classes in the school calendar, to include which date will be used in determining the minimum enrollment age that children shall attend classes.

SOURCE: Reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11402.1, entitled "*Same: Exclusion for Physical or Mental Disability.*" Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed by P.L. 24-284:1 (Oct. 16, 1998), P.L. 24-299:34 (Dec. 3, 1998), and P.L. 26-026:3 (July 5, 2001).

§ 6107. Early Entrance Date; Public Schools: Gifted Children.

The Board shall establish identification and enrollment policies for children who are academically gifted. The policy shall provide that a child who is academically gifted may be enrolled even though the child has not reached the age required by § 6103 of this Title, but not lower than age four (4) by the end of the month that classes actually commence of the year the child is enrolled.

SOURCE: GC § 11401.2. Added by P.L. 14-045:1 (June 30, 1977). Codified as 17 GCA § 6104. Repealed and reenacted by P.L. 24-026:4

17 GCA EDUCATION
CH. 6 PUPILS

(May 15, 1997). Amended by P.L. 24-142:11 (Feb. 27, 1998), P.L. 24-223: (Aug. 3, 1998). Repealed and reenacted to this section by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11403, entitled "*Private Schools: Register.*" Repealed and reenacted as 17 GCA § 6109 by P.L. 26-026:3 (July 5, 2001). Repealed by P.L. 26-104:3 (June 11, 2002).

§ 6108. Same: Sick Persons. [Repealed.]

SOURCE: GC § 11402. Codified as 17 GCA § 6105. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted to this section by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:3 (June 11, 2002). Repealed by P.L. 31-108:1 (Sept. 30, 2011).

2013 NOTE: This section was originally codified from GC § 11404, entitled "*Private Instruction.*" Repealed and reenacted as 17 GCA § 6109 by P.L. 26-104:3 (June 11, 2002).

§ 6109. Private Instruction.

Children not attending a private full-time day school, and who are being instructed in study and recitation for at least three (3) hours a day for one hundred seventy (170) days each calendar year by a private tutor or other person in the several branches of study required to be taught in the public schools of Guam and in the English language, shall be exempted from attending the public schools.

SOURCE: GC§ 11404. Codified as 17 GCA § 6108. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6110 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11405, entitled "*Compliance of Pupils Required.*" Repealed and reenacted as 17 GCA § 6110 by P.L. 26-104:3 (June 11, 2002).

§ 6110. Compliance of Pupils Required.

All pupils shall comply with the regulations adopted by the Board, pursue the required course of study and submit to the authority of the teachers of the schools and other professionals of the schools.

SOURCE: GC§ 11405. Codified as 17 GCA § 6109. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6111 by

17 GCA EDUCATION
CH. 6 PUPILS

P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11408, entitled "*Liability for Injury to Property.*" Repealed and reenacted as 17 GCA § 6111 by P.L. 26-104:3 (June 11, 2002).

§ 6111. Liability for Injury to Property.

The parent or guardian of any pupil who willfully cuts, defaces or otherwise injures in any way any property, real or personal, belonging to a school or the Department of Education, shall be liable for all damages so caused by the pupil. The parent or guardian of a pupil shall be liable to the school for all property belonging to the school loaned to the pupil and not returned upon demand of an employee of the school authorized by the Superintendent to make the demand.

SOURCE: GC§ 11408. Codified as 17 GCA § 6110. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6112 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11411, entitled "*Free Medical Expenses for Injured Pupils.*" Repealed and reenacted as 17 GCA § 6112 by P.L. 26-104:3 (June 11, 2002).

§ 6112. Medical Expenses for Injured Pupils.

If a pupil of any of the public or private schools of Guam is injured during school hours on school property, while traveling directly between the pupil's home and school in public school buses, while participating in or attending any regularly approved, supervised activity of the school during school hours, or, after school hours, if the school activity is under direct school supervision, or while traveling in public school buses to and from such school activity as a member of group which is under the school's supervision, all medical expenses incurred as a result of such injury shall be covered pursuant to the provisions of the Government Claims Act, except that if the pupil is covered by health or accident insurance as will reimburse the pupil, or the pupil's parents or guardians, for such medical expenses in whole or in part, then such claims can be covered only for those expenses, if any, in excess of the insurance payments made or to be made by the pupil's insurance carrier on account of such injury.

17 GCA EDUCATION
CH. 6 PUPILS

SOURCE: GC§ 11411. Codified as 17 GCA § 6111. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6113 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted as 17 GCA § 6112 by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11412, entitled "*Guaranteed Entrance to Classrooms.*" Repealed and reenacted as 17 GCA § 6113 by P.L. 26-104:3 (June 11, 2002).

§ 6113. Guaranteed Entrance to Classrooms.

(a) No student who is regularly and legally enrolled in a school within the Department of Education shall be refused to be placed in a classroom for which the student is eligible, as determined by the school administrator following guidelines established by the Board's policies.

(b) No person wishing to attend school, who has reached that person's sixteenth (16th) birthday and has not reached that person's twentieth (20th) birthday, may be denied admission to a public school on the basis of age.

SOURCE: GC § 14112. Added by P.L. 13-091:1 (Nov. 14, 1975). Codified as 17 GCA § 6112. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6114 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002). Amended by P.L. 26-130:6 (Sept. 17, 2002), P.L. 28-099:1 (Feb. 7, 2006)

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606..

2013 NOTE: This section was originally codified from GC § 11413, entitled "*Student Activities Money.*" Repealed and reenacted as 17 GCA § 6114 by P.L. 26-104:3 (June 11, 2002).

§ 6114. Student Activities Money.

Student activities money is all money raised with the approval of the Board by the efforts of students in connection with any activities of student organizations, including without limiting the generality of the foregoing, school supply, stores, clubs, athletic activities, school plays, receipts from vending machines and other student entertainment and yearbooks.

SOURCE: GC § 11413. Added by P.L. 14-130:1 (June 17, 1978). Codified as 17 GCA § 6113. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6115 by P.L. 26-026:3 (June 11,

17 GCA EDUCATION
CH. 6 PUPILS

2002). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11414, entitled "*Same: Committee.*" Repealed and reenacted as 17 GCA § 6115 by P.L. 26-104:3 (June 11, 2002).

§ 6115. Same: Committee.

(a) There shall be established a Student Activities Money Committee within each school which shall oversee the receipts and expenditures of the student activities money, and shall make final approval of all expenditures in excess of One Hundred Dollars (\$100.00) from the Student Activities Fund.

(b) Membership on the Student Activities Money Committee shall be the following:

(1) Principal of the school concerned serving as Chairman;

(2) one (1) faculty staff member designated by the school faculty; and

(3) student body president, student body treasurer or a student body member designated by the school faculty.

SOURCE: GC § 11414. Added by P.L. 14-130:1 (June 17, 1978). Codified as 17 GCA § 6114. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6116 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11414, entitled "Student Activities Fund." Repealed and reenacted as 17 GCA § 6116 by P.L. 26-104:3 (June 11, 2002).

§ 6116. Student Activities Fund.

The Student Activities Money Committee of any school having student activities money shall open a checking account and/or savings account in a commercial bank or savings and loan association on Guam in an account designated as the "School Student Activities Fund" ("Fund") of the school opening the account.

SOURCE: GC § 11415. Added by P.L. 14-130:1 (June 17, 1978). Codified as 17 GCA § 6115. Amended by P.L. 24-142:11 (Feb. 27, 1998).

17 GCA EDUCATION
CH. 6 PUPILS

Repealed and reenacted as 17 GCA § 6117 by P.L. 26-026:3 (July 5, 2001).
Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11414, entitled "*Student Activities Treasurer: Audit.*" Repealed and reenacted as 17 GCA § 6117 by P.L. 26-104:3 (June 11, 2002).

§ 6117. Student Activities Treasurer: Audit.

(a) (1) The Student Activities Money Committee of any school having student activities money shall appoint a student activities treasurer of that particular school.

(2) Each student activities treasurer shall be bonded in accordance with standard government of Guam procedures.

(b) Any student organization that raises money as provided by § 6114, supra, shall promptly deliver such money to the student activity a receipt therefore, promptly deposit the money into the Student Activities Fund of such school.

(1) Disbursements from the Student Activities Fund shall be made only for the purpose for which the Fund was established, or other purposes which the student organization raising the fund may determine.

(2) All expenditures of student activities money shall be for the enhancement of student educational or social welfare, as approved by regulations of the student organization and approved by the Superintendent.

(3) Disbursement of funds shall be made by the student activities treasurer as requested in writing by the student organization advisor and treasurer.

(4) The student activities treasurer and the principal of the school shall sign all withdrawals drawn against the Student Activities Fund; provided, that no checks or withdrawals may be drawn against the Student Activities Fund without a disbursement request signed by the student organization advisor and treasurer.

(c) The student activities treasurer shall maintain accounts showing the balances due respective student organizations, and shall maintain an accurate record of all deposits and expenditures from

17 GCA EDUCATION
CH. 6 PUPILS

the Student Activities Fund, and shall prepare a monthly financial statement report.

(1) Copies of this report shall be given to the Superintendent of Education, principal and student activities sponsor.

(2) The records of the student activities treasurer shall be open to inspection at reasonable times by faculty advisors and officers of the student organizations concerned.

(3) Such records shall be maintained by the student activities treasurer in accordance with such rules and regulations.

(d) Each Student Activities Fund shall be audited as often as required at least annually or based on need by request of student organization officers/advisors or school administrators by the Bureau of Budget and Management Research in cooperation with the Department of Education Fiscal Office, and a copy of the audit shall be filed with the Student Activities Money Committee and the Board.

SOURCE: GC § 11416. Added by P.L. 14-130:1 (June 17, 1978). Codified as 17 GCA § 6116. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6118 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

2013 NOTE: This section was originally codified from GC § 11417, entitled "*Junior Reserve Officers Training Corps (JROTC) Fund.*" Repealed and reenacted as 17 GCA § 6118 by P.L. 26-104:3 (June 11, 2002).

§ 6118. Junior Reserve Officers Training Corps ("JROTC") Fund.

There is created a Junior Reserve Officers Training Corps ("JROTC") Fund ("Fund") to be maintained separate and apart from all other funds of the government of Guam.

(a) All money received by the government from the U.S. Department of Defense for the operation of the JROTC Programs shall be placed in the JROTC Fund.

17 GCA EDUCATION
CH. 6 PUPILS

(b) The Superintendent of Education shall be the certifying officer of the Fund.

(c) The Superintendent shall report annually to the Board, *I Maga'lahañ Guåhan* [Governor] and *I Liheslaturan Guåhan* [Legislature] on the receipts, expenditures and balances of the Fund.

SOURCE: GC § 11417. Added by P.L. 16-074:1 (Mar. 31, 1982). Codified as 17 GCA § 6117. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6119 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

2013 NOTE: This section was originally codified from GC § 11414, entitled "*Summer School Fund.*" Repealed and reenacted as 17 GCA § 6119 by P.L. 26-104:3 (June 11, 2002).

§ 6119. Summer School Fund.

There is hereby established a Summer School Fund for the deposit of fees collected from students enrolled in the Summer School Program, and into which shall be deposited such fees to be subsequently appropriated by *I Liheslaturan Guåhan* [Guam Legislature] for the operation of the Summer School Program.

SOURCE: Added by P.L. 18-010:4 (Aug. 8, 1985) as 17 GCA § 6118. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted as 17 GCA § 6120 by P.L. 26-026:3 (July 5, 2001). Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was originally codified from GC § 11414, entitled "*Student Activities Treasurer: Audit.*" Repealed and reenacted as 17 GCA § 6117 by P.L. 26-104:3 (June 11, 2002).

§ 6120. Kindergarten Day and Year.

The length of a school day for the kindergarten grade of a school shall be the same length of time as the school day for the elementary grades (first through fifth grades) of such school. The length of a school year for the kindergarten grade of a school shall be the same length of time (instructional days/hours) as the school year for the elementary grades (first through fifth grades) of such school.

17 GCA EDUCATION
CH. 6 PUPILS

SOURCE: Added by P.L. 26-026:3 (July 5, 2001) as 17 GCA § 6121. Repealed and reenacted to this section by P.L. 26-104:3 (June 11, 2002).

2013 NOTE: This section was added by P.L. 26-026:3 (July 5, 2001) entitled "*Summer School Fund.*" Repealed and reenacted as 17 GCA § 6119 by P.L. 26-104:3 (June 11, 2002).

§ 6121. Restrictions on Release of Directory Information.

(a) A government entity or school shall not release the date of birth, addresses, email addresses and phone numbers of a minor student without the consent of the minor student's parent or legal guardian, except to allow emergency medical personnel to contact the student's parent or guardian in cases of medical emergencies, or as provided by (b), infra. A government entity or school shall not release the date of birth, addresses, email addresses or phone numbers of an adult student without the consent of the student, except to allow emergency medical personnel to contact the student's next of kin in cases of medical emergencies, or as provided by (b), infra. All other directory information not subject to parental or student consent by this paragraph may be released subject to the provisions of 20 U.S.C. §1232g (Family Educational Rights and Privacy Act -FERPA).

(b) A government entity or school may release all directory information to law enforcement, public safety and child protective agencies, provided they are released pursuant to the provisions of 20 U.S.C. §1232g (Family Educational Rights and Privacy Act - FERPA).

(c) For purposes of this Section, supra, directory information shall have the same meaning as 20 U.S.C. 1232g(a)(5)(A).

(d) Nothing in this Section is intended to quash the release of any information required by a valid court order.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012) as § 6603. Recodified to this section and amended by P.L. 32-029:2 (May 10, 2013).

2013 NOTE: This section was added by P.L. 26-026:3 (July 5, 2001), entitled "*Kindergarten Day and Year.*" Repealed and reenacted as 17 GCA § 6120 by P.L. 26-104:3 (June 11, 2002).

**17 GCA EDUCATION
CH. 6 PUPILS**

**ARTICLE 2
SCHOOL FOR THE DEAF AND BLIND**

[REPEALED.]

SOURCE: GC Chapter 5A, §§ 11450 - 11453, added by P.L. 10-087. Codified as 17 GCA Chapter 6, Article 2, §§ 6201 - 6204. Article 2 repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Article 2 repealed by P.L. 26-104:4 (June 11, 2002).

**ARTICLE 3
AUXILIARY SERVICES**

- § 6301. Definitions.
- § 6302. Program of Auxiliary Services.

§ 6301. Definitions.

As used in this Article:

(a) “Auxiliary services” means:

(1) the supply for use by pupils attending non-public schools such standardized tests and scoring services as are in use in the public schools;

(2) the provision of speech and hearing diagnostic services to pupils attending non-public school; such services may be provided in the non-public school attended by the pupil receiving the service;

(3) the provision of diagnostic psychological services to pupils attending non-public schools; such services may be provided in the school attended by the pupil receiving the service;

(4) the provision of therapeutic, psychological, and speech and hearing services to pupils attending non-public schools, such services may be made available by the Department of Education;

17 GCA EDUCATION
CH. 6 PUPILS

(5) the provision of guidance and counseling services to pupils attending non-public school, such services may be made available by the Superintendent of Schools for the non-public schools within the Department of Education;

(6) the provision of remedial services to pupils attending non-public schools, such services may be made available by the Department of Education; and

(7) the provision of programs for children with disabilities attending non-public schools, such services may be made available by the Department of Education.

(b) “Non-public school” means a nonprofit school, other than a public school or Department of Defense (“DOD”) school within Guam, wherein a resident of Guam may legally fulfill the compulsory school attendance requirements of this Title. Auxiliary Services may be provided to DOD schools if Federal funds are received specifically for such services.

SOURCE: GC § 11375. Added by P.L. 15-137:1 (Aug. 25, 1980). Codified as 17 GCA § 6301. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:5 (June 11, 2002).

§ 6302. Program of Auxiliary Services.

Students attending non-public schools may be furnished a program of auxiliary services if such services are available to pupils attending the public schools. Such service shall be of the same quality as that provided public school pupils. Auxiliary services related to Special Education shall be administered in a manner consistent with Guam and Federal laws, rules and regulations for Special Education Services.

SOURCE: GC § 11376. Added by P.L. 15-137:1 (Aug. 25, 1980). Codified as 17 GCA § 6302. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:5 (June 11, 2002).

**17 GCA EDUCATION
CH. 6 PUPILS**

**ARTICLE 4
PUPIL TRUANCY, SUSPENSION AND EXPULSION**

NOTE: P.L. 26-104 (June 11, 2002), erroneously contained two Section 5's, each amending a different article in this chapter. To avoid any confusion, the section of P.L. 26-104 amending Article 4 is referenced in the Source as Section 6.

- § 6401. Definitions.
- § 6402. Habitual Truant.
- § 6403. Attendance Officer.
- § 6404. Same: Delivery of Truant.
- § 6405. Same: Disposition
- § 6406. Report to Court and Social Services.
- § 6407. Court Hearing.
- § 6408. Submission of Report
- § 6409. Authority for Suspension or Expulsion of Pupils.
- § 6410. Student Discipline Advisory Councils.

§ 6401. Definitions.

As used in this Article:

- (a) "Board" means the Guam Education Policy Board.
- (b) "Parent" means the parent, guardian or other person who has the custody or responsibility for the care of the child.
- (c) "Truant" means a pupil found to be absent from school without a reasonable and bona fide excuse from a parent.
- (d) "Superintendent" refers to the Superintendent of Education.

SOURCE: GC § 11460 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6401. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

§ 6402. Habitual Truant.

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil's school shall request the Superintendent to file a petition

17 GCA EDUCATION
CH. 6 PUPILS

concerning such habitual truant in the Family Court or the Superior Court of Guam.

SOURCE: GC § 11461 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6402. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

§ 6403. Attendance Officer.

The Superintendent shall appoint employees of the Department of Education, as Attendance Officers. The Attendance Officers, any peace officer, principal, or dean may take into custody during school hours, without warrant, any truant found away from the truant's home and who has been reported truant. For the purposes of Title 10 GCA, Chapter 55, § 55102, Attendance Officers are not classified as public safety and law enforcement officers.

SOURCE: GC § 11462 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6403. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002), P.L. 30-167:4 (July 2, 2010).

§ 6404. Same: Delivery of Truant.

The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant's parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil's school, shall bring the child before the Family Court.

SOURCE: GC § 11463 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6404. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

§ 6405. Same: Disposition.

The attendance officer shall promptly report to the Department of Education and to the parent the disposition made by the attendance officer of the truant.

SOURCE: GC § 11464 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6405. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

17 GCA EDUCATION
CH. 6 PUPILS

§ 6406. Report to Court and Social Services.

Any pupil who has once been adjudged a habitual truant, or who is again reported as a truant one (1) or more days, or is late to school for thirty (30) or more minutes on one (1) or more days without excuse, shall be reported by the Superintendent or the attendance officer to the Family Court.

SOURCE: GC § 11465 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6406. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

§ 6407. Court Hearing.

If the Court, after hearing, finds that the allegations of habitual truancy are sustained by evidence, it may order that the child be detained and maintained in a school supervised by the Court for the remainder of the current school term, or it may order that the child be turned over to the custody of the Division of Social Services where the child shall be provided casework treatment and services.

SOURCE: GC § 11466 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6407. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

§ 6408. Submission of Report.

The attendance officer shall report monthly to the Superintendent the number and types of reports and requests made by each school on Guam pursuant to this Article, and whether each school within Guam has complied with the provisions of this Article.

SOURCE: GC § 11467 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6408. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

§ 6409. Authority for Suspension or Expulsion of Pupils.

The Superintendent shall determine by regulation the grounds for suspension or expulsion of pupils from school, and the procedure whereby such suspension or expulsion is determined.

17 GCA EDUCATION
CH. 6 PUPILS

(a) Such regulation shall include grounds for suspensions or expulsions, length of suspensions and the procedures for review of suspension or expulsion orders.

(b) In adopting the regulation establishing procedures for suspending or expelling pupils, the Superintendent shall follow the guidelines established therefore by local and Federal laws and regulations.

(c) Such hearings and procedures as are established by the Superintendent pursuant to this Article shall provide any pupil against whom suspension or expulsion procedures are initiated with due process of law.

(d) Such procedures are exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated, Administrative Adjudication Law.

SOURCE: GC § 11468 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6409. Amended by P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

§ 6410. Student Discipline Advisory Councils.

In carrying out the provision of § 6409, the Superintendent may authorize the creation of a Student Discipline Advisory Council for each elementary and secondary school. Such Councils shall be given the power to establish standards of student behavior, and shall have authority to hear charges of violations of such standards, and to recommend appropriate disciplinary action to the principal. The procedure for expelling pupils shall require that before expulsion, the accused pupil be given a hearing before the Student Discipline Advisory Council of the student's school, if such exists.

SOURCE: GC § 11469 added by P.L. 14-055:1 (July 23, 1977). Codified as 17 GCA § 6410. Amended by P.L. 21-011:1 (Apr. 19, 1991), P.L. 24-142:11 (Feb. 27, 1998). Repealed and reenacted by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 26-104:6 (June 11, 2002).

17 GCA EDUCATION
CH. 6 PUPILS

ARTICLE 5
COMMON SENSE IN MEDICATING STUDENTS LAW

- § 6500. Short Title.
- § 6501. Legislative Intent.
- § 6502. Limitation on Certain Practices.
- § 6503. Parental and Guardian Protection.

§ 6500. Short Title.

This Article shall be cited as The Common Sense in Medicating Students Law.

SOURCE: Added by P.L. 30-055:XII:31 (Sept. 4, 2009).

§ 6501. Legislative Intent.

(a) *I Liheslaturan Guðhan* finds that more and more schools and school districts across the country are resorting to policies that allow non-medical school personnel to require or recommend that students receive controversial psychotropic medical treatment as a means to control children suspected of having behavior disorders. Such drugs include amphetamines such as Ritalin, antihypertensive drugs such as clonidine, tricyclic antidepressants, Selective Serotonin Uptake inhibitors such as Prozac, Paxil and Zoloft and neuroleptics such as Haldol and Thorazine. More and more medical studies are revealing that many of these substances have little or no effect in treating maladies such as ADHD and may cause severe harm to a child.

(b) In many school districts in the United States, teachers, administrators and counselors continue to resort to extraordinary means to require parents to force-medicate their children. Such means include suspension or expulsion of the student or reporting the student's parents to municipal authorities on child abuse or neglect charges for refusing to subject their children to these medications. *I Liheslatura* further finds that decisions that involve the treatment of children should be a personal one between parents, their children and their children's physicians and not the school system.

**17 GCA EDUCATION
CH. 6 PUPILS**

(c) It is the intent of *Lihe slatura* to prohibit any non-medical school personnel from recommending the use of psychotropic drugs for any child, and to protect parents or guardians who refuse to administer psychotropic drugs to their child from having said child taken into custody by the Child Protective Services Division, unless such refusal causes the child to be neglected or abused as defined by public law.

SOURCE: Added by P.L. 30-055:XII:31 (Sept. 4, 2009).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

§ 6502. Limitation on Certain Practices.

The Guam Education Policy Board shall adopt and implement policies prohibiting any school personnel from recommending the use of psychotropic drugs for any child. The provisions of this Section shall not prohibit school medical staff from recommending that a child be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner with the consent of the parents or guardian of such child.

SOURCE: Added by P.L. 30-055:XII:31 (Sept. 4, 2009).

§ 6503. Parental and Guardian Protection.

The refusal of a parent or guardian having control of a child to administer or consent to the administration of any psychotropic drug to such child shall not, in and of itself, constitute grounds for the Child Protective Services Division of the Department of Public Health and Social Services to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the department, unless such refusal causes such child to be neglected or abused, as defined in Title 19, Guam Code Annotated, Chapter 13.

SOURCE: Added by P.L. 30-055:XII:31 (Sept. 4, 2009).

17 GCA EDUCATION
CH. 6 PUPILS

ARTICLE 6
PROTECTION OF MINORS' AND STUDENTS' RIGHTS ACT

- § 6600. Short Title.
- § 6601. Legislative Findings and Intent.
- § 6602. Restrictions.
- § 6603. Restrictions on Release of Identifying Information.
- § 6604. Severability.

§ 6600. Short Title.

This Act shall be known as the “Protection of Minors’ and Student’s Rights Act”.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012).

§ 6601. Legislative Findings and Intent.

(a) *I Liheslaturan Guåhan* finds that school districts throughout the nation routinely survey student populations to obtain demographic information that they will use for a variety of educational and non-educational purposes.

(b) *I Liheslatura* further finds that some surveys may include questions requesting that students divulge information of a sensitive or personal nature, such as religious, political and sexual preferences. Many surveys may also include information that may subject the student to identity theft or make them vulnerable to stalkers and sexual predators.

(c) It is the intent of *I Liheslatura* to require that prior to a government entity or school district administering certain academic or nonacademic surveys, assessments, analyses, or evaluations to its students it must receive written informed consent from a minor’s or student’s parent or legal guardian, and must provide a copy of the document to be administered for viewing at convenient locations and time periods.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012).

2018 NOTE: Subsection designations added pursuant to authority by 1 GCA § 1606.

§ 6602. Restrictions.

17 GCA EDUCATION
CH. 6 PUPILS

(a) Unless a government entity or school receives prior written informed consent from a minor's or student's parent or legal guardian, and provides for a copy of the document to be administered to be available for viewing at convenient locations and time periods, the government entity or school shall not administer to a minor or student any written academic or nonacademic survey, assessment, analysis, or evaluation, which reveals information concerning:

- (1) political affiliations;
- (2) mental and psychological (medical) problems potentially embarrassing to the student or the student's family;
- (3) sexual behavior and attitudes;
- (4) illegal, anti-social, and self-incriminating behavior;
- (5) appraisals of other individuals with whom a respondent has a close family relationship;
- (6) legally recognized, privileged, or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or
- (8) social security number.

(b) The government entity or school shall request prior written informed consent at least two (2) weeks prior to the administration of the survey, assessment, analysis, or evaluation.

(c) A minor or student shall not participate in any survey, assessment, analysis, or evaluation that concerns the issues listed in Subsection (a) of this Section unless the government entity or school district has obtained prior written informed consent from that minor's or student's parent or legal guardian.

(d) The following notice shall be prominently displayed on the first page of any survey as defined in Subsection (a) of this Section:

**17 GCA EDUCATION
CH. 6 PUPILS**

“Notice: If you are younger than eighteen (18) years of age and a student in a public school, you should not complete this survey unless your parent or legal guardian has given their written permission for you to do so.”

(e) This Section shall not apply to a survey, assessment, analysis, or evaluation that does not identify the taker of such survey, assessment, analysis, or evaluation.

(f) This Section shall not apply to a survey, assessment, analysis, or evaluation administered for the purpose of gathering information related to bullying, violations of school conduct or the Criminal and Corrections Code, the immediate health or safety of students or school staff, or conducted pursuant to federal law or regulation.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012), amended by P.L. 32-029:1 (May 10, 2013).

§ 6603. Restrictions on Release of Identifying Information.

[Recodified].

SOURCE: Added by P.L. 31-201:1 (May 9, 2012). Recodified as 17 GCA § 6121 by P.L. 32-029 (May 10, 2013).

§ 6604. Severability.

If any provision of this Article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to that end the provisions of this Article are declared to be severable.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012).

**ARTICLE 7
MENTAL HEALTH SCREENING, CHILD PROTECTION
AND INFORMED CONSENT ACT**

§ 6700. Legislative Findings and Intent.

§ 6701. Informed Consent Required for Mental Health Screening of Students.

17 GCA EDUCATION
CH. 6 PUPILS

§ 6702. Contents of Informed Consent Form.

§ 6703. Exemption for IDEA Surveys.

§ 6700. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that:

(a) The use of educational settings to screen children and adolescents for “mental disorders” has led to parents not being given sufficient information about the purpose of such screenings and the ramifications if they consent, such as psychological or psychiatric treatment for their child and family, thereby violating the recognized requirements and standards regarding “full informed consent”.

(b) Frequently, a system of “passive consent” is used whereby “consent” is considered provided when the parent does not return the consent form. The onus is, therefore, on the child/adolescent to transmit the consent form to the parent, and on the parent ensuring that if consent is not given, the form is signed and returned. However, the onus should rest on both the school and the mental health professional or agency seeking to conduct the screening, with criminal penalties if consent is not obtained in writing and the child is subjected to non-consensual screening.

(c) “Passive consent” or other consent forms often:

(1) mislead parents into thinking that what is taking place at the school is just a health evaluation for their child, not a psychiatric evaluation;

(2) do not include information about the personal and invasive questions their child will be asked;

(3) do not contain information on the difference between “emotional health concerns”, mental disorders, or physical diseases, the latter of which can be physically tested for and the former cannot; and

(4) leave the parent with so little information that he or she cannot make a proper informed decision to give valid informed consent.

17 GCA EDUCATION
CH. 6 PUPILS

(d) Parents also are not informed that mental health screenings for “mental disorders” are based on those defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM). However, in the introduction of the DSM-IV it states, “Moreover, although this manual provides a classification of mental disorders, it must be admitted that no definition adequately specifies precise boundaries for the concept of ‘mental disorder’”. Further, “...the term ‘mental’ disorders...persists in the title of DSM-IV because we have not found an appropriate substitute”.

(e) Unlike scientific methods to determine physical diseases like cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or “syndrome” is not based on any medical test, such as a brain scan, a ‘chemical imbalance’ test, x-ray or blood test. The former U.S. Surgeon General, in his 1999 Report on Mental Health, which became a reference for many countries, stated, “The diagnosis of mental disorders is often believed to be more difficult than diagnosis of medical disorders since there is no definitive lesion, laboratory test or abnormality in brain tissue that can identify the illness.”

(f) Harvard Medical School’s Dr. Joseph Glenmullen warns that the checklist rating scales used to screen people for conditions, such as “depression”, are “designed to fit hand-in-glove with the effects of drugs, emphasizing the physical symptoms of depression that most respond to antidepressant medication ...While assigning a number to a patient’s depression may look scientific, when one examines the questions asked and the scales used, they are utterly subjective measures”. He says, “The symptoms are subjective emotional states, making the diagnosis extremely vague”.

(g) Based on the subjective nature of the mental health diagnostic system and mental health screenings, millions of children are prescribed antidepressants or stimulants recognized by leading drug regulatory agencies as causing suicidal behavior, suicide, violence, hostility and, in the case of stimulants, the potential for strokes and heart attacks. In October 2004, the U.S. Food and Drug Administration (FDA) required a “black box” warning of suicide risks for all

17 GCA EDUCATION
CH. 6 PUPILS

antidepressants prescribed to those under eighteen (18) years old. In August 2005, The Commission of the European Communities that represents twenty-five (25) countries issued the strongest warning yet against child antidepressant use, warning of the drug's potential to cause suicide attempts and suicidal ideation, aggression, hostility (predominantly aggression, oppositional behavior and anger), and/or related behavior. According to the U.S. Drug Enforcement Administration, the stimulant drugs being prescribed to children are scheduled as abusive as opium, morphine and cocaine. In February 2006, an FDA Advisory Committee recommended a "black box" warning for stimulants, stating that they can cause heart attacks, strokes, and even death.

(h) As such, Guam's parents, without explicit protection, will be unable to give informed consent about whether they want their child to participate in such screening.

It is the intent of *I Liheslatura* to prohibit the Guam Department of Education from conducting any mental health screening on school children without the informed consent of parents.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012).

§ 6701. Informed Consent Required for Mental Health Screening of Students.

The Guam Department of Education shall:

(a) prohibit the use of schools for any mental health or psychological screening or testing of any student, whether a non- emancipated minor or emancipated minor, without the express written consent of the parent or guardian;

(b) the consent form must be in a clear and legible form and in compliance with any local or federal regulation, in the primary language of the parent, not less than forty-five (45) days in advance of any such screening; and

(c) the consent form must be signed by the parent or legally appointed guardian of each minor.

SOURCE: Added by P.L. 31-201:1 (May 9, 2012).

§ 6702. Contents of Informed Consent Form.

**17 GCA EDUCATION
CH. 6 PUPILS**

The consent form must include the following information:

TO: (parent or guardian)

FROM: (school or organization)

[Particulars regarding name of screening program,
where and when it will take place]

**FULL INFORMED CONSENT FOR MENTAL
HEALTH OR PSYCHOLOGICAL
SCREENING**

Mental health or psychological screening methods for children and adolescents vary from state to state, but may involve a self-administered computer interview or survey to determine how a student feels emotionally (anxious or worried, sad or depressed) or to judge his or her behavior at the present time or in the past. These questions can cover thoughts or feelings your child has had or thoughts and feelings your child thinks you may have had or currently have about him or her.

An outcome could be you are asked to take your child for a follow-up interview or evaluation to determine if he or she has a mental disorder or syndrome. Based on an evaluation of your child's answers, he or she may be diagnosed with a "mental" or "psychiatric disorder". These diagnoses have to be made by a psychologist, psychiatrist or medical doctor, but the subjectivity of this diagnostic process makes it a risk.

Questionnaires or tests are frequently based on symptoms outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the mental disorders section of the International Classification of Diseases (ICD). The psychologist, psychiatrist and medical doctor often depend upon these diagnoses in order to bill private or government insurance.

17 GCA EDUCATION
CH. 6 PUPILS

The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent and whether or not these constitute a mental disorder are based on the opinion only of the person making the diagnosis. Unlike methods to determine physical diseases like cancer, diabetes or tuberculosis, a diagnosis of “mental disorder” or “syndrome” cannot be determined by any physical, medical test, such as a brain scan, a “chemical imbalance” test, X-ray or blood test.

Mental health screening could be presented to you as a means of preventing suicide. However, there is no scientific evidence to substantiate this at this time. The U.S. Preventive Services Task Force (USPSTF) studied this and recommended against screening for suicide in 2004, saying that it “found no evidence that screening for suicide risk reduces suicide attempts or mortality”.

Commonly psychiatric drugs prescribed to treat mental disorders can have very serious effects on some children. In 2005, the European Committee for Medicinal Products for Human Use (CHMP), which includes members from 25 European Member States determined that antidepressants should not be prescribed to those under 18 years old because they can produce suicidal behavior, including suicide attempts and thinking about suicide and/or related behavior like self-harm, hostility or mood changes.

The U.S. Food and Drug Administration ordered that a “black box”, its highest level of drug warning, be placed on antidepressant packaging advising that the drugs can induce suicide in children and teens. The FDA also has issued concerns that stimulant drugs prescribed to children may cause “psychiatric events,” described as “visual hallucinations, suicidal ideation, psychotic behavior, as well as aggression or violent behavior”.

**17 GCA EDUCATION
CH. 6 PUPILS**

Before consenting to any such screening or survey, the educational facility must provide a manual and other published information which fully describes:

(a) The nature and purpose of the screening/test or questionnaire.

(b) The development of the screening/test or questionnaire, its scientific validity as replicated in scientific studies, the rationale for the screening/test/questionnaire and reliability.

(c) Scientific journal citations demonstrating that the proposed screening/test or questionnaire has been proven to be reliable and valid by replicated scientific studies.

(d) A guarantee that no screening/test or questionnaire is based or related to any “mental disorder” as covered in the Diagnostic and Statistical Manual of Mental Disorders.

(e) The intended use of the results or outcomes of the child or adolescent completing such screening/test or questionnaire.

(f) The right to rescind consent at any time before, during or after the screening/test or questionnaire being proposed.

**INFORMED CONSENT FOR
MENTAL HEALTH SCREENING**

I acknowledge that I have read and understood the above information to the best of my ability and have read (NAME OF MANUAL), and based on my understanding, I am choosing **one** (1) of the following:

(a) **I give my consent** for my child to undergo an evaluation for emotional, behavior, mental, specific learning disabilities, or other health impairments (mental health screening), and require

17 GCA EDUCATION
CH. 6 PUPILS

that I be provided, in writing, any findings determined.

(b) Consent means that I do/do not (strike which is inappropriate) give permission for the information obtained from such survey or testing to become part of my child's school or other record or to be transmitted to any other agency outside of the [name of school].

(Signature of Parent)

Date

(c) **I do not give my consent** for my child to undergo an evaluation for emotional, behavior, mental, specific learning disabilities, or other health impairments (mental health screening).

(Signature of Parent)

Date

THIS FORM MUST BE RECEIVED BY THE PARENT AT LEAST 45 DAYS BEFORE THE PLANNED SCREENING. PLEASE ENSURE THIS FORM IS RETURNED BEFORE THE SCREENING DATE. YOU HAVE THE RIGHT TO REVOKE YOUR CONSENT AT ANY TIME

SOURCE: Added by P.L. 31-201:1 (May 9, 2012).

§ 6703. Exemption for IDEA Surveys.

Any surveys that are conducted pursuant to the provisions of 20 U.S.C. §1400 (Individual with Disabilities Education Act - IDEA) or its successors are exempt from the provisions of this Article.

SOURCE: Added by P.L. 32-029:3 (May 10, 2013).
