

SUBJECT: STUDENT SOCIAL SERVICES

The School Counselor and Confidentiality

An effective counseling relationship can best be accomplished when an atmosphere of trust and confidence exists between the client or student and the school counselor. A client has the right to privacy and to expect that the information revealed or discussed in the counseling sessions will be kept confidential. This confidentiality must not be abridged except where, in the opinion of the counselor, there is a clear and present danger to the welfare of the client or to other persons. In that event, the school counselor, psychologist, or social worker must protect the student's life and welfare or that of others and may have to reveal part of what was said in a counseling interview as part of a referral or helping process. The counselor and the client should be aware that confidentiality, as a legal privilege, does not exist in New York State. In a judicial hearing or court of law, a counselor, psychologist or social worker may be asked to reveal what was discussed between counselor and client.

School guidance counselors, psychologists and social workers are authorized to provide counseling services in the school. They and other school staff members are required to report to appropriate authorities situations involving child abuse, neglect or sexual molestation.

Students who enter a counseling relationship with an authorized school counselor should be made aware of the extent and nature of confidentiality afforded by this policy.

Guidelines

- a) Counselors employed by the Churchville-Chili School District will be available to offer counseling services to students. Parents may, if they choose, submit a written request to the school principal to withhold the benefit of confidentiality between their child and the counselor. The request shall remain in effect only for the school year in which it is submitted and shall be invalid after the student reaches his/her eighteenth (18th) birthday.
- b) When counseling is recommended for a child with a disability(ies) as a related service by the District's Committee on Special Education (CSE), the counselor shall inform the child and the child's parent of the objectives to be covered during counseling.
- c) Care should be taken by the counselor in the preparation of counseling notes contained in the counselor's or student's file. Notes should be stated in objective terms and not reflect causative or inferential perceptions on the part of the counselor. Care should be taken not to report information in such a way as to be considered slanderous or libelous. Counselor's notes may be subpoenaed as evidence in a legal proceeding. Counselor's notes, kept solely for the counselor's own reference, should not be shared with others if they are intended to be confidential and protected. A periodic review of information in the counselor's files should be made. Only relevant information should be retained.

(Continued)

SUBJECT: STUDENT SOCIAL SERVICES (CONT'D.)

Guidelines (Cont'd.)

- d) The counselor reserves the right to consult with other professionally competent persons when in need of another professional opinion on a matter of importance to the client.
- e) Counseling information used in educational research or in training of counselors shall fully guarantee the anonymity of the counselee or client and, as may be required by law, the consent of the student's parent or guardian.
- f) Students in need of counseling service not considered to be within the domain of the counseling staff employed by the District shall be referred to appropriate outside agencies. That request and referral may be considered confidential and not subject to this policy, except in those cases which involve clear and imminent danger to the client or others.
- g) Other members of the school staff are expected to respect the right of confidentiality as described by this policy when conferencing with a counselor concerning a particular student.
- h) Agencies not affiliated with the District must obtain permission of the Superintendent of Schools to use the school facilities for the provision of counseling services. The staff of such approved agencies are expected to abide by the policies described herein.
- i) In the event the school counselor is called upon to serve as a witness in a judicial proceeding, the counselor should initially advise the school administration and, if considered appropriate, consult legal counsel. The school attorney will be available to offer legal and procedural advice, if needed. When reports are required to be produced, every effort should be made to limit demands for information to those matters before the court. When a counselor is in doubt about what to release in a judicial proceeding, the counselor should request a conference with the judge, through legal counsel, to explain the counselor's concern and seek advice as to how to proceed.

Interviews by Child Protective Service Workers on School Property

School officials shall cooperate with Child Protective Service Workers who are investigating suspected cases of child abuse and maltreatment. Child Protective Service Workers may interview children on school property who are suspected of being abused or maltreated. The school principal may grant authority to conduct such interviews without first notifying the parent or obtaining parental permission. The interview may be allowed even though the referral was made by someone other than a School District employee.

The identity of the Child Protective Services Worker shall be verified prior to permitting the in-school interview. A Churchville-Chili Central School District official will be present during the interview.

Adopted: 7/10/2001, Revised: 5/26/2015

Reviewed by Superintendent, Assistant Superintendent for Instruction and Pupil Services Director on 1/29/2020 with no recommended changes; approved by BOE 2/11/2020