



# ASSEMBLY, No. 3359

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 26, 2001

**Sponsored by:**

**Assemblyman E. SCOTT GARRETT**

**District 24 (Sussex, Hunterdon and Morris)**

**Assemblywoman MARION CRECCO**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblyman Talarico, Senators Bucco and Cardinale**

**SYNOPSIS**

Allows school districts to administer certain surveys to students only after receiving written informed parental consent.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/8/2002)**

1 AN ACT concerning certain surveys conducted by school districts and  
2 supplementing chapter 36 of Title 18A of the New Jersey Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Unless a school district receives prior written informed  
8 consent from a student's parent or legal guardian and provides for a  
9 copy of the document to be available for viewing at convenient  
10 locations and time periods, the school district shall not administer to  
11 a student any academic or nonacademic survey, assessment, analysis  
12 or evaluation which reveals information concerning:

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

26 b. The school district shall request prior written informed consent  
27 at least two weeks prior to the administration of the survey,  
28 assessment, analysis or evaluation.

29 c. A student shall not participate in any survey, assessment,  
30 analysis or evaluation that concerns the issues listed in subsection a.  
31 of this section unless the school district has obtained prior written  
32 informed consent from that student's parent or guardian.

33 d. A school district that violates the provisions of this act shall be  
34 subject to such monetary penalties as determined by the commissioner.

35  
36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill provides that prior to a school district administering certain  
42 academic or nonacademic surveys, assessments, analyses or  
43 evaluations to its students it must receive written informed consent  
44 from a student's parent or legal guardian and must provide a copy of  
45 the document for viewing at convenient locations and time periods.

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

12 If a district violates the provisions of the bill, it would be subject to  
13 such monetary penalties as will be determined by the commissioner.

14 This bill is modeled on 20 U.S.C.A. s.1232h, commonly referred to  
15 as the Protection of Pupil Rights Amendment. This law provides, in  
16 part, that school districts must receive written parental consent before  
17 students are required to fill out any survey, analysis, or evaluation that  
18 is funded with moneys from the federal Department of Education and  
19 that deals with certain sensitive issues.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3359**

**STATE OF NEW JERSEY**

DATED: MAY 21, 2001

The Assembly Education Committee favorably reports Assembly Bill No. 3359.

This bill provides that prior to a school district administering certain academic or nonacademic surveys, assessments, analyses or evaluations to its students it must receive written informed consent from a student's parent or legal guardian and must provide a copy of the document for viewing at convenient locations and time periods. These requirements would only apply if information is revealed concerning (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical 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 numbers.

If a district violates the provisions of the bill, it would be subject to such monetary penalties as will be determined by the commissioner.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3359**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate Education Committee reports favorably Assembly Bill No. 3359.

This bill provides that prior to a school district administering certain academic or nonacademic surveys, assessments, analyses or evaluations to its students, it must receive written informed consent from a student's parent or legal guardian and must provide a copy of the document for viewing at convenient locations and time periods. These requirements would only apply if information is revealed concerning (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical 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 numbers.

If a district violates the provisions of the bill, it would be subject to such monetary penalties as will be determined by the commissioner.

As reported, this bill is identical to S-2332.

**SENATE, No. 2332**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED APRIL 23, 2001

**Sponsored by:**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris)**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**SYNOPSIS**

Allows school districts to administer certain surveys to students only after receiving written informed parental consent.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/4/2002)**

1 AN ACT concerning certain surveys conducted by school districts and  
2 supplementing chapter 36 of Title 18A of the New Jersey Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Unless a school district receives prior written informed  
8 consent from a student's parent or legal guardian and provides for a  
9 copy of the document to be available for viewing at convenient  
10 locations and time periods, the school district shall not administer to  
11 a student any academic or nonacademic survey, assessment, analysis  
12 or evaluation which reveals information concerning:

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

26 b. The school district shall request prior written informed consent  
27 at least two weeks prior to the administration of the survey,  
28 assessment, analysis or evaluation.

29 c. A student shall not participate in any survey, assessment,  
30 analysis or evaluation that concerns the issues listed in subsection a.  
31 of this section unless the school district has obtained prior written  
32 informed consent from that student's parent or guardian.

33 d. A school district that violates the provisions of this act shall be  
34 subject to such monetary penalties as determined by the commissioner.

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36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill provides that prior to a school district administering certain  
42 academic or nonacademic surveys, assessments, analyses or  
43 evaluations to its students it must receive written informed consent  
44 from a student's parent or legal guardian and must provide a copy of  
45 the document for viewing at convenient locations and time periods.  
46 These requirements would only apply if information is revealed



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

11 If a district violates the provisions of the bill, it would be subject to  
12 such monetary penalties as will be determined by the commissioner.

13 This bill is modeled on 20 U.S.C.A. s.1232h, commonly referred to  
14 as the Protection of Pupil Rights Amendment. This law provides, in  
15 part, that school districts must receive written parental consent before  
16 students are required to fill out any survey, analysis, or evaluation that  
17 is funded with moneys from the federal Department of Education and  
18 that deals with certain sensitive issues.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 2332**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate Education Committee reports favorably Senate Bill No. 2332.

This bill provides that prior to a school district administering certain academic or nonacademic surveys, assessments, analyses or evaluations to its students, it must receive written informed consent from a student's parent or legal guardian and must provide a copy of the document for viewing at convenient locations and time periods. These requirements would only apply if information is revealed concerning (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical 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 numbers.

If a district violates the provisions of the bill, it would be subject to such monetary penalties as will be determined by the commissioner.

As reported, this bill is identical to A-3359.

# ASSEMBLY, No. 2351

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 8, 2000

**Sponsored by:**

**Assemblyman E. SCOTT GARRETT**

**District 24 (Sussex, Hunterdon and Morris)**

**Assemblyman GUY F. TALARICO**

**District 38 (Bergen)**

**Co-Sponsored by:**

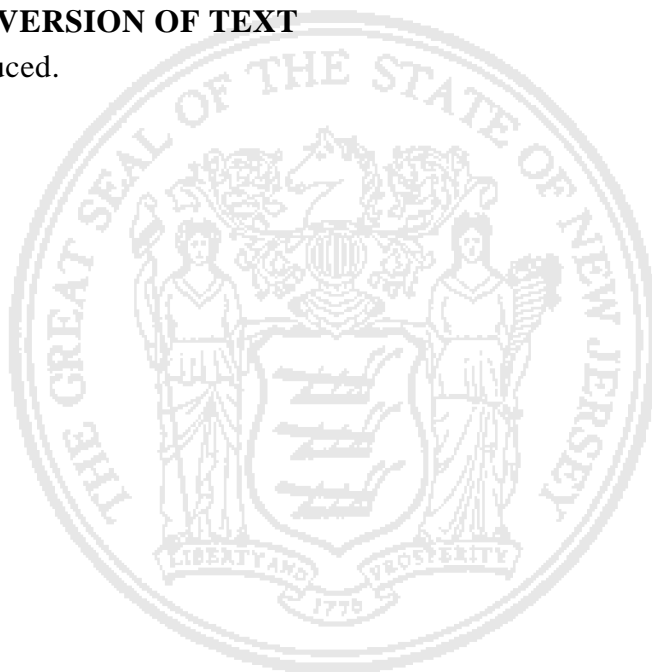
**Assemblywomen Crecco, Farragher, Assemblymen Azzolina, Gregg, Merkt, Senators Bucco, McNamara, Robertson, Cardinale, Kosco and Allen**

**SYNOPSIS**

Requires that school districts receive written informed parental consent prior to administering certain surveys to their students.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/5/2000)**

1 AN ACT concerning certain surveys conducted by school districts and  
2 supplementing chapter 36 of Title 18A of the New Jersey Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. Unless a school district receives prior written informed  
8 consent from a student's parent or legal guardian and provides for a  
9 copy of the document to be available for viewing at convenient  
10 locations and time periods, the school district shall not administer to  
11 a student any academic or nonacademic survey, assessment, analysis,  
12 evaluation or comprehensive guidance and counseling values  
13 clarification program which reveals information concerning:

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

27 b. The school district shall request prior written informed consent  
28 at least two weeks prior to the administration of the survey,  
29 assessment, analysis, evaluation or comprehensive guidance and  
30 counseling values clarification program.

31 c. A student shall not participate in any survey, assessment,  
32 analysis, evaluation or comprehensive guidance and counseling values  
33 clarification program that concerns the issues listed in subsection a. of  
34 this section unless the school district has obtained prior written  
35 informed consent from that student's parent or guardian.

36 d. A school district that violates the provisions of this act shall be  
37 subject to such monetary penalties as determined by the commissioner.

38  
39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill provides that prior to a school district administering certain  
45 academic or nonacademic surveys, assessments, analyses, evaluations

1 or comprehensive guidance and counseling values clarification  
2 programs to its students it must receive written informed consent from  
3 a student's parent or legal guardian and must provide a copy of the  
4 document for viewing at convenient locations and time periods . These  
5 requirements would only apply if information is revealed concerning  
6 (1) political affiliations; (2) mental and psychological problems  
7 potentially embarrassing to the student or the student's family; (3)  
8 sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating  
9 and demeaning behavior; (5) critical appraisals of other individuals  
10 with whom a respondent has a close family relationship; (6) legally  
11 recognized privileged or analogous relationships, such as those of  
12 lawyers, physicians, and ministers; (7) income, other than that required  
13 by law to determine eligibility for participation in a program or for  
14 receiving financial assistance under a program; or (8) social security  
15 numbers.

16 If a district violates the provisions of the bill, it would be subject to  
17 such monetary penalties as will be determined by the commissioner.

18 This bill is modeled on 20 U.S.C.A. s.1232h, commonly referred to  
19 as the Protection of Pupil Rights Amendment. This law provides, in  
20 part, that school districts must receive written parental consent before  
21 students are required to fill out any survey, analysis, or evaluation that  
22 is funded with moneys from the federal Department of Education and  
23 that deals with certain sensitive issues.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2351**

**STATE OF NEW JERSEY**

DATED: MAY 22, 2000

The Assembly Education Committee favorably reports Assembly Bill No. 2351.

This bill provides that prior to a school district administering certain academic or nonacademic surveys, assessments, analyses, evaluations or comprehensive guidance and counseling values clarification programs to its students it must receive written informed consent from a student's parent or legal guardian and must provide a copy of the document for viewing at convenient locations and time periods. These requirements would only apply if information is revealed concerning (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical 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 numbers.

If a district violates the provisions of the bill, it would be subject to such monetary penalties as shall be determined by the Commissioner of Education.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2351**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 25, 2000

The Senate Education Committee reports favorably Assembly Bill No. 2351.

This bill provides that a school district must receive written informed consent from a student's parent or legal guardian at least two weeks before administering certain academic or nonacademic surveys, assessments, analyses, evaluations or comprehensive guidance and counseling values clarification programs to the student. The district must also provide a copy of the document for viewing at convenient locations and time periods. These requirements would only apply if information is revealed concerning (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical 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 numbers.

If a district violates the provisions of the bill, it would be subject to such monetary penalties as determined by the commissioner.

## **ASSEMBLY BILL NO. 2351**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2351 with my recommendations for reconsideration.

### **A.SUMMARY OF THE BILL**

This bill provides that before a school district administers certain academic or nonacademic surveys, assessments, analyses, evaluations or comprehensive guidance and counseling values clarification programs to its students, it must receive written informed permission from a student's parent or legal guardian and must provide a copy of the document for viewing at convenient locations and time periods. These requirements would only apply if information is to be revealed concerning (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical 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 numbers.

### **B.RECOMMENDED ACTION**

I support the sponsors' intent to increase parental involvement in their children's educational development. Parents have a legitimate and appropriate interest in the surveys administered in our schools.

It is also true, however, that surveys provide important public health and safety information. For example, the Department of Law and Public Safety has administered the "Drug and Alcohol Use Among New Jersey High School Students" survey for over two decades. The data collected through this survey is used to design the State's substance abuse prevention programs. In addition, the Departments of Education and Health and Senior Services administer the "Youth Risk Behavior Survey," "Youth Tobacco Survey" and "Middle School Survey on Substance Abuse." The information obtained from these



surveys is used to guide public policy. The data generated helps the State to design and implement successful intervention programs, obtain accurate and reliable health risk behavior information, and gauge the effect of tobacco education programs.

There are two forms of parental permission typically used in school-based surveys: passive permission and active permission. Both methods inform parents about a proposed survey and provide parents the opportunity to decline their children's participation. With passive permission, parents are requested to return the permission form only if they do not give permission for a child to participate. If no form is returned, it is assumed that permission is granted. With active permission, parents are requested to return the permission form identifying whether or not they give permission for a child to participate. If no permission form is returned, it is assumed that permission was not granted.

Federal law requires that school districts must receive written parental permission, or active consent, if students are required to fill out any survey, analysis, or evaluation that deals with certain sensitive issues. Under federal law, voluntary surveys do not require active permission. This bill goes beyond federal law by forcing administrators to obtain active parental permission even if the student is not required to fill out the survey, analysis, or evaluation.

The United States Department of Health & Human Services, Centers for Disease Control and Prevention ("CDC") advises that active permission often results in a low student response rate – often below 50 percent. CDC and other scholarly research indicates that a parent's failure to give active permission is rarely the result of a conscious decision to prohibit a child from participating, but is more often the result of a simple failure to return a form. Consequently, the data obtained using active permission may be biased and not representative of the population sampled and may underestimate the number of youth practicing risk behaviors. Research further indicates that passive permission significantly reduces this bias or lack of representation.

This bill may have a negative impact on the ability to collect data important to public health and safety issues affecting our State's student population. I am, therefore, compelled to return the bill to the Legislature with my recommendations for

reconsideration. Consistent with federal law, I recommend that school districts be required to obtain written parental permission only if students are required to fill out a survey touching upon sensitive issues. To address the legitimate interests of parents, I also recommend that the bill be amended to establish an increased level of parental notification as to the contents of a voluntary survey, requiring, at a minimum, a detailed notice setting forth the type of information contained in the survey, the purpose for which the information is needed, the entities or persons who will have access to the information, the method by which the parent or guardian can deny permission to administer the survey to the student, and specific instruction on when and where the survey will be available for parental review prior to its administration. Last, I recommend that the bill's effective date be changed to first apply to the 2001-2002 school year to provide adequate time to implement the legislation's provisions.

Therefore, I herewith return Assembly Bill No. 2351 and recommend that it be amended as follows:

- |                                    |  |
|------------------------------------|--|
| <u>Page 2, Section 1, Line 10:</u> | Delete "administer to" insert "permit"   |
| <u>Page 2, Section 1, Line 11:</u> | After "student" insert "to be required to participate in"  |
| <u>Page 2, Section 1, Line 31:</u> | Delete "shall not" insert "may". Delete "any" insert "a voluntary"   |
| <u>Page 2, Section 1, Line 34:</u> | Delete "unless" insert "if". Delete "obtained" insert "sent"   |
| <u>Page 2, Section 1, Line 35:</u> | Delete "informed consent from" insert "notification to". After "guardian." insert "The written notification shall, at a minimum, contain the following: (1) a description of the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program; (2) the purpose for which the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program is needed; (3) entities and persons that will have access to the information generated by the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program; (4) specific instruction on when and where the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program" |

will be available for parental or legal guardian review prior to its administration; (5) the method by which the parent or legal guardian can deny permission to administer the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program to the student; (6) the names of persons to whom questions can be directed and (7) notification that failure to respond indicates approval of participation in the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program.”

Page 2, Section 2, Line 39:

Delete “take effect immediately” insert “first apply to the 2001-2002 school year”

Respectfully,

/s/ Christine Todd Whitman

Governor

[seal]

Attest:

/s/ Robert E. Fabricant

Chief Counsel to the Governor

P.L. 2001, CHAPTER 364, *approved January 7, 2002*  
Assembly, No. 3359

1 **AN ACT** concerning certain surveys conducted by school districts and  
2 supplementing chapter 36 of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. a. Unless a school district receives prior written informed  
8 consent from a student's parent or legal guardian and provides for a  
9 copy of the document to be available for viewing at convenient  
10 locations and time periods, the school district shall not administer to  
11 a student any academic or nonacademic survey, assessment, analysis  
12 or evaluation which reveals information concerning:

13 (1) political affiliations;

14 (2) mental and psychological problems potentially embarrassing to  
15 the student or the student's family;

16 (3) sexual behavior and attitudes;

17 (4) illegal, anti-social, self-incriminating and demeaning behavior;

18 (5) critical appraisals of other individuals with whom a respondent  
19 has a close family relationship;

20 (6) legally recognized privileged or analogous relationships, such  
21 as those of lawyers, physicians, and ministers;

22 (7) income, other than that required by law to determine eligibility  
23 for participation in a program or for receiving financial assistance  
24 under a program; or

25 (8) social security number.

26 b. The school district shall request prior written informed consent  
27 at least two weeks prior to the administration of the survey,  
28 assessment, analysis or evaluation.

29 c. A student shall not participate in any survey, assessment,  
30 analysis or evaluation that concerns the issues listed in subsection a.  
31 of this section unless the school district has obtained prior written  
32 informed consent from that student's parent or guardian.

33 d. A school district that violates the provisions of this act shall be  
34 subject to such monetary penalties as determined by the commissioner.

35

36 2. This act shall take effect immediately.

37

38

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STATEMENT

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41 This bill provides that prior to a school district administering certain  
42 academic or nonacademic surveys, assessments, analyses or  
43 evaluations to its students it must receive written informed consent

1 from a student's parent or legal guardian and must provide a copy of  
2 the document for viewing at convenient locations and time periods.  
3 These requirements would only apply if information is revealed  
4 concerning (1) political affiliations; (2) mental and psychological  
5 problems potentially embarrassing to the student or the student's  
6 family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-  
7 incriminating and demeaning behavior; (5) critical appraisals of other  
8 individuals with whom a respondent has a close family relationship; (6)  
9 legally recognized privileged or analogous relationships, such as those  
10 of lawyers, physicians, and ministers; (7) income, other than that  
11 required by law to determine eligibility for participation in a program  
12 or for receiving financial assistance under a program; or (8) social  
13 security numbers.

14 If a district violates the provisions of the bill, it would be subject to  
15 such monetary penalties as will be determined by the commissioner.

16 This bill is modeled on 20 U.S.C.A. s.1232h, commonly referred to  
17 as the Protection of Pupil Rights Amendment. This law provides, in  
18 part, that school districts must receive written parental consent before  
19 students are required to fill out any survey, analysis, or evaluation that  
20 is funded with moneys from the federal Department of Education and  
21 that deals with certain sensitive issues.

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26 \_\_\_\_\_  
27 Allows school districts to administer certain surveys to students only  
after receiving written informed parental consent.

## CHAPTER 364

AN ACT concerning certain surveys conducted by school districts and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

C.18A:36-34 School surveys, certain, parental consent required before administration.

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

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or the student's family;
- (3) sexual behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical 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 school district shall request prior written informed consent at least two weeks prior to the administration of the survey, assessment, analysis or evaluation.

c. A student shall not participate in any survey, assessment, analysis or evaluation that concerns the issues listed in subsection a. of this section unless the school district has obtained prior written informed consent from that student's parent or guardian.

d. A school district that violates the provisions of this act shall be subject to such monetary penalties as determined by the commissioner.

2. This act shall take effect immediately.

Approved January 7, 2002.