SENATE, No. 1696

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED MARCH 11, 2010

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)
Senator JOSEPH F. VITALE
District 19 (Middlesex)

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SYNOPSIS

Permits a student to participate in a voluntary survey if the district sends prior written notification to the student's parents.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 10/8/2010)

AN ACT concerning certain surveys conducted by school districts and amending P.L.2001, c.364.

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

1. Section 1 of P.L.2001, c.364 (C.18A:36-34) is amended to read as follows:

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**]** permit a student to be required to participate in 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**]** may participate in **[**any**]** a voluntary survey, assessment, analysis or evaluation that concerns the issues listed in subsection a. of this section **[**unless**]** if the school district has **[**obtained**]** sent prior written **[**informed consent from**]** notification to that student's parent or guardian.

The written notification shall, at a minimum, contain the following: (1) a description of the survey, assessment, analysis or evaluation; (2) the purpose for which the survey, assessment, analysis or evaluation is needed; (3) entities and persons that will have access to the information generated by the survey, assessment, analysis or evaluation; (4) specific instructions on when and where the survey, assessment, analysis or evaluation will be available for parental or legal guardian review prior to its administration; (5) the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

method by which the parent or legal guardian can deny permission to administer the survey, assessment, analysis or evaluation 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 or evaluation.

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

(cf: P.L.2001, c.364, s.1)

2. This act shall take effect immediately.

STATEMENT

P.L.2001, c.364 (C.18A:36-34) provided that prior to a school district administering certain academic or nonacademic surveys, assessments, analyses or evaluations to its students it was required to receive written informed consent from a student's parent or legal guardian. This bill amends that provision of law to require that school districts obtain written consent only if students are required to complete the survey, assessment, analysis or evaluation. Under the bill's provisions a student will be permitted to participate in a voluntary survey, assessment, analysis or evaluation if the district sends prior written notification to the student's parent or guardian. The bill provides that the following information must be included in the notification: (1) a description of the survey, assessment, analysis or evaluation; (2) the purpose for which the survey, assessment, analysis or evaluation is needed; (3) entities and persons that will have access to the information generated by the survey, assessment, analysis or evaluation; (4) specific instruction on when and where the survey, assessment, analysis or evaluation will be available for review prior to its administration; (5) the method by which a parent or guardian can deny permission to administer the survey, assessment, analysis or evaluation 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 or evaluation.

This bill mitigates the negative impact of P.L.2001, c.364 (C.18A:36-34) on New Jersey's ability to collect data important to public health and safety issues affecting the State's student population. Numerous nonprofit agencies and federal grantees have halted their surveys or are seriously struggling to comply with the provisions of P.L.2001, c.364 (C.18A:36-34).