

# ASSEMBLY, No. 3242

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED SEPTEMBER 20, 2010

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman JOAN M. VOSS**

**District 38 (Bergen)**

**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: 6/17/2011)**

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

3

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

6

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

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

16 (1) political affiliations;

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

19 (3) sexual behavior and attitudes;

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

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

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

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

29 (8) social security number.

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

33 c. A student **[shall not]** may participate in **[any]** a voluntary  
34 survey, assessment, analysis or evaluation that concerns the issues  
35 listed in subsection a. of this section **[unless]** if the school district  
36 has **[obtained]** sent prior written **[informed consent from]**  
37 notification to that student's parent or guardian.

38 The written notification shall, at a minimum, contain the  
39 following: (1) a description of the survey, assessment, analysis or  
40 evaluation; (2) the purpose for which the survey, assessment,  
41 analysis or evaluation is needed; (3) entities and persons that will  
42 have access to the information generated by the survey, assessment,  
43 analysis or evaluation; (4) specific instructions on when and where  
44 the survey, assessment, analysis or evaluation will be available for

**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.

1 parental or legal guardian review prior to its administration; (5) the  
2 method by which the parent or legal guardian can deny permission  
3 to administer the survey, assessment, analysis or evaluation to the  
4 student; (6) the names of persons to whom questions can be  
5 directed; and (7) notification that failure to respond indicates  
6 approval of participation in the survey, assessment, analysis or  
7 evaluation.

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

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

12

13 2. This act shall take effect immediately.

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#### STATEMENT

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18 P.L.2001, c.364 (C.18A:36-34) provided that prior to a school  
19 district administering certain academic or nonacademic surveys,  
20 assessments, analyses or evaluations to its students it was required  
21 to receive written informed consent from a student's parent or legal  
22 guardian. This bill amends that provision of law to require that  
23 school districts obtain written consent only if students are required  
24 to complete the survey, assessment, analysis or evaluation. Under  
25 the bill's provisions a student will be permitted to participate in a  
26 voluntary survey, assessment, analysis or evaluation if the district  
27 sends prior written notification to the student's parent or guardian.  
28 The bill provides that the following information must be included in  
29 the notification: (1) a description of the survey, assessment, analysis  
30 or evaluation; (2) the purpose for which the survey, assessment,  
31 analysis or evaluation is needed; (3) entities and persons that will  
32 have access to the information generated by the survey, assessment,  
33 analysis or evaluation; (4) specific instruction on when and where  
34 the survey, assessment, analysis or evaluation will be available for  
35 review prior to its administration; (5) the method by which a parent  
36 or guardian can deny permission to administer the survey,  
37 assessment, analysis or evaluation to the student; (6) the names of  
38 persons to whom questions can be directed; and (7) notification that  
39 failure to respond indicates approval of participation in the survey,  
40 assessment, analysis or evaluation.

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