

ASSEMBLY, No. 2421

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 16, 2012

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CONNIE WAGNER

District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Jimenez

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: 6/19/2012)

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:

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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)

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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,
30 analysis, or evaluation; (2) the purpose for which the survey,
31 assessment, analysis, or evaluation is needed; (3) entities and
32 persons that will have access to the information generated by the
33 survey, assessment, analysis, or evaluation; (4) specific instruction
34 on when and where the survey, assessment, analysis, or evaluation
35 will be available for review prior to its administration; (5) the
36 method by which a parent or guardian can deny permission to
37 administer the survey, assessment, analysis, or evaluation to the
38 student; (6) the names of persons to whom questions can be
39 directed; and (7) notification that failure to respond indicates
40 approval of participation in the survey, assessment, analysis, or
41 evaluation.