

[First Reprint]

ASSEMBLY, No. 2421

STATE OF NEW JERSEY
215th LEGISLATURE

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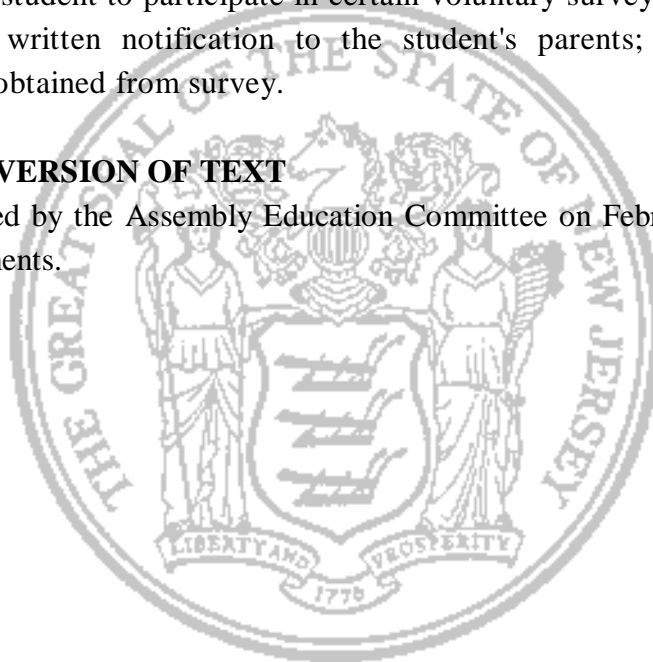
Assemblywoman Jimenez

SYNOPSIS

Permits a student to participate in certain voluntary surveys if the district sends prior written notification to the student's parents; limits use of information obtained from survey.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on February 11, 2013, with amendments.



(Sponsorship Updated As Of: 2/12/2013)

1 AN ACT concerning certain ¹student¹ surveys ¹[conducted by
2 school districts]¹ and amending ¹and supplementing¹ P.L.2001,
3 c.364.

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

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

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

17 (1) political affiliations;

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

20 (3) sexual behavior and attitudes;

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

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

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

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

30 (8) social security number.

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

34 c. A student [shall not] may participate in [any] a voluntary
35 survey, assessment, analysis or evaluation that concerns the issues
36 listed in ¹paragraphs (2), (4), (5), (6), or (7) of¹ subsection a. of this
37 section [unless] if the school district has [obtained] sent prior
38 written [informed consent from] notification to that student's parent
39 or guardian.

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted February 11, 2013.

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

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

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

14

15 '2. (New section) Any information obtained through a survey
16 administered to a public school student shall not be used for
17 marketing or other commercial purposes that are not related to
18 education.'

19

20 '[2.] 3.' This act shall take effect immediately.