

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5597

STATE OF NEW JERSEY

DATED: MAY 17, 2021

The Assembly Health Committee reports favorably Assembly Bill No. 5597.

This bill allows school districts to administer anonymous, voluntary surveys concerning student health once prior written notification has been provided to parents and legal guardians. Specifically, the school district would be able to administer a survey concerning the use of alcohol, tobacco, drugs, and vaping; sexual behavior and attitudes; behaviors that may contribute to intentional or unintentional injuries or violence; or physical activity and nutrition-related behaviors.

Written notification to parents and legal guardians would be delivered by regular mail, electronic mail, or a written acknowledgement form to be delivered by the student at least two weeks prior to administration of the survey. Information obtained through the survey would be submitted to the Department of Education and the Department of Health. Information may be used to develop public health initiatives and prevention programs and would not be used for marketing or other commercial purposes unrelated to student health.

For the past several years, the Department of Education has been unable to obtain a sufficient amount data on student health surveys to produce a sample that is representative of the student population. This is due in part to the method in which students are permitted to participate in such surveys. Currently, parents or legal guardians must actively grant permission for their students to participate. Active permission is the process by which a signature is collected from a parent or legal guardian authorizing the student's participation in a survey. In contrast, passive parental permission presumes a parent or legal guardian has consented to the student's participation in a survey unless notice and an opportunity for the parent or legal guardian to deny permission is provided.

Studies have shown that a lack of written consent rarely means that a parent or legal guardian has objections to their child's participation in a survey and that students from at-risk environments are less likely to return permission forms leading to diminished validity of the sample.