

P.L. 2021, CHAPTER 156, *approved July 2, 2021*
Assembly, No. 5597

1 **AN ACT** concerning student participation in health surveys and
2 supplementing chapter 36 of Title 18A of the New Jersey
3 Statutes.

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

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8 1. a. Notwithstanding section 1 of P.L.2001, c.364 (C.18A:36-
9 34), or any other law, rule, or regulation to the contrary, a school
10 district that sends prior written notification to a parent or legal
11 guardian of a student may administer an anonymous, voluntary
12 survey, assessment, analysis or evaluation to the student which
13 reveals information concerning any of the following issues:

- 14 (1) use of alcohol, tobacco, drugs, and vaping;
15 (2) sexual behavior and attitudes;
16 (3) behaviors that may contribute to intentional or unintentional
17 injuries or violence; or
18 (4) physical activity and nutrition-related behaviors.

19 b. Written notification provided by a school district to the
20 parent or legal guardian of a student shall be delivered to the parent
21 or legal guardian by regular mail, electronic mail, or a written
22 acknowledgement form to be delivered by the student at least two
23 weeks prior to administration of the survey, assessment, analysis or
24 evaluation. Written notification shall contain, at minimum, the
25 following information:

- 26 (1) a description of the survey, assessment, analysis, or
27 evaluation;
28 (2) the purpose for which the survey, assessment, analysis, or
29 evaluation is needed;
30 (3) the entities and persons that will have access to the
31 information generated by the survey, assessment, analysis, or
32 evaluation;
33 (4) specific instruction as to when and where the survey,
34 assessment, analysis, or evaluation will be available for parental or
35 legal guardian review prior to its administration;
36 (5) the method by which the parent or legal guardian can deny
37 permission to administer the survey, assessment, analysis, or
38 evaluation to the student; a form specifically providing for such
39 denial shall be included with this notice;
40 (6) the names and contact information of persons to whom
41 questions can be directed; and

1 (7) a statement advising that failure to respond indicates
2 approval of participation in the survey, assessment, analysis, or
3 evaluation.

4 c. Information obtained through a survey, assessment, analysis
5 or evaluation administered to a student in accordance with this
6 section shall be submitted to the Department of Education and the
7 Department of Health. Information may be used to develop public
8 health initiatives and prevention programs. Information shall not be
9 used for marketing or other commercial purposes that are not
10 related to student health.

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

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15 2. This act shall take effect on the 180th day after the date of
16 enactment, except the Commissioner of Education may take any
17 anticipatory administrative action in advance as shall be necessary
18 for the implementation of this act.

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21 STATEMENT

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

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

40 For the past several years, the Department of Education has been
41 unable to obtain a sufficient amount data on student health surveys
42 to produce a sample that is representative of the student population.
43 This is due in part to the method in which students are permitted to
44 participate in such surveys. Currently, parents or legal guardians
45 must actively grant permission for their students to participate.
46 Active permission is the process by which a signature is collected
47 from a parent or legal guardian authorizing the student's
48 participation in a survey. According to the Centers for Disease

1 Control and Prevention, the use of active permission reduces
2 student participation rates by as much as 50 percent unless
3 extraordinary follow up procedures are implemented. In contrast,
4 passive parental permission presumes a parent or legal guardian has
5 consented to the student's participation in a survey unless notice
6 and an opportunity for the parent or legal guardian to deny
7 permission is provided.

8 Studies have shown that a lack of written consent rarely means
9 that a parent or legal guardian has objections to their child's
10 participation in a survey and that students from at-risk
11 environments are less likely to return permission forms leading to
12 diminished validity of the sample. By authorizing the use of
13 passive parental permission, the State can increase student
14 participation in student health surveys and acquire a better
15 understanding of the various health issues affecting the student
16 population to develop appropriate and responsive solutions.

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22 Permits school districts to administer student health surveys after
prior written notification to parents and legal guardians.