ASSEMBLY, No. 5597

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:
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District 7 (Burlington)
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District 32 (Bergen and Hudson)
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District 29 (Essex)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/17/2021)

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

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

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

(1) use of alcohol, tobacco, drugs, and vaping;

(2) sexual behavior and attitudes;

(3) behaviors that may contribute to intentional or unintentional injuries or violence; or

(4) physical activity and nutrition-related behaviors.

b. Written notification provided by a school district to the parent or legal guardian of a student shall be delivered to the parent or legal guardian 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, assessment, analysis or evaluation. Written notification shall contain, at minimum, the following information:

(1) a description of the survey, assessment, analysis, or evaluation;

(2) the purpose for which the survey, assessment, analysis, or evaluation is needed;

(3) the entities and persons that will have access to the information generated by the survey, assessment, analysis, or evaluation;

(4) specific instruction as to when and where the survey, assessment, analysis, or evaluation will be available for parental or legal guardian review prior to its administration;

(5) the method by which the parent or legal guardian can deny permission to administer the survey, assessment, analysis, or evaluation to the student; a form specifically providing for such denial shall be included with this notice;

(6) the names and contact information of persons to whom questions can be directed; and

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

c. Information obtained through a survey, assessment, analysis or evaluation administered to a student in accordance with this section shall be submitted to the Department of Education and the Department of Health. Information may be used to develop public

health initiatives and prevention programs. Information shall not be used for marketing or other commercial purposes that are not related to student health.

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

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

STATEMENT

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. According to the Centers for Disease Control and Prevention, the use of active permission reduces student participation rates by as much as 50 percent unless extraordinary follow up procedures are implemented. 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. By authorizing the use of passive parental permission, the State can increase student participation in student health surveys and acquire a better understanding of the various health issues affecting the student population to develop appropriate and responsive solutions.