

SENATE, No. 1496

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain student surveys and amending and
2 supplementing P.L.2001, c.364.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
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 paragraphs (2), (4), (5), (6), or (7) of subsection a. of this
36 section **unless** if the school district has **obtained** sent prior
37 written **informed consent from** notification to that student's parent
38 or guardian.

39 The written notification shall, at a minimum, contain the
40 following: (1) a description of the survey, assessment, analysis or
41 evaluation; (2) the purpose for which the survey, assessment,
42 analysis or evaluation is needed; (3) entities and persons that will
43 have access to the information generated by the survey, assessment,
44 analysis or evaluation; (4) specific instructions on when and where
45 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)

12
13 2. (New section) Any information obtained through a survey
14 administered to a public school student shall not be used for
15 marketing or other commercial purposes that are not related to
16 education.

17
18 3. This act shall take effect immediately.

20 21 STATEMENT

22
23 P.L.2001, c.364 (C.18A:36-34) provided that prior to a school
24 district administering certain academic or nonacademic surveys,
25 assessments, analyses, or evaluations to its students it was required
26 to receive written informed consent from a student's parent or legal
27 guardian. This bill modifies that provision of law to require that
28 school districts obtain written consent only if students are required
29 to complete the survey, assessment, analysis, or evaluation. Under
30 the bill's provisions a student will be permitted to participate in a
31 voluntary survey, assessment, analysis, or evaluation if the district
32 sends prior written notification to the student's parent or guardian
33 and if participating in the survey, assessment, analysis, or
34 evaluation will not reveal information regarding a student's political
35 affiliation, sexual behavior or attitudes, or social security number.
36 The bill provides that the following information must be included in
37 the notification: (1) a description of the survey, assessment,
38 analysis, or evaluation; (2) the purpose for which the survey,
39 assessment, analysis, or evaluation is needed; (3) entities and
40 persons that will have access to the information generated by the
41 survey, assessment, analysis, or evaluation; (4) specific instruction
42 on when and where the survey, assessment, analysis, or evaluation
43 will be available for review prior to its administration; (5) the
44 method by which a parent or guardian can deny permission to
45 administer the survey, assessment, analysis, or evaluation to the
46 student; (6) the names of persons to whom questions can be
47 directed; and (7) notification that failure to respond indicates
48 approval of participation in the survey, assessment, analysis, or

S1496 TURNER

4

1 evaluation. The bill also stipulates that any information obtained
2 through a survey administered to a public school student may not be
3 used for marketing or other commercial purposes that are not
4 related to education.