

CHAPTER 156

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:*

C.18A:36-34.1 Voluntary survey for students with prior parental, guardian written notification.

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.

Approved July 2, 2021.