

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30113-LE-183 (3/17)

Short Title: Written Parental Consent for School Surveys. (Public)

Sponsors: Representatives Stam, McGee, and Capps (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WRITTEN PARENTAL CONSENT PRIOR TO THE ACQUISITION OF CERTAIN SURVEY INFORMATION FROM STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-405. Written parental consent required prior to the acquisition of certain survey information from students.

(a) Unless a local school administrative unit receives prior written informed consent from a student's parent or legal guardian the local school administrative unit shall not administer to a student any survey, assessment, analysis or evaluation that reveals information concerning:

(1) Political affiliations;

(2) Mental and psychological problems potentially embarrassing to the student or the student's family;

(3) Sexual behavior or attitudes;

(4) Illegal, antisocial, self-incriminating or demeaning behavior;

(5) Critical appraisals of relatives of the student;

(6) Income, other than that required by law, to determine eligibility for participation in a program or for receiving financial assistance under a program; or

(7) Social security number.

(b) A local school administrative unit that violates the provisions of this section shall be subject to declaratory and injunctive relief but not to damages. A court may award reasonable attorneys' fees as a part of the costs to a student or a parent who prevails in an action brought pursuant to this section.

1 (c) For the purposes of this section, prior written informed consent is not
2 required from the parent of a student that is age 18 or over, married or legally
3 emancipated."

4 **SECTION 2.** This act becomes effective August 1, 2005.