Model Legislation

Protection of Minors’ and Students’ Rights Act

Section 1. (Short title) This Act shall be known as the Protection of Minors’ and Student’s Rights Act.

Section 2. (Restrictions)
A. Unless a government entity or school district receives prior written informed consent from a minor’s or student’s parent or legal guardian and provides for a copy of the document to be administered to be available for viewing at convenient locations and time periods, the government entity or school district shall not administer to a minor or student any academic or nonacademic survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program which reveals information concerning:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student or the student’s family;
3. Sexual behavior and attitudes;
4. Illegal, anti-social, and self-incriminating behavior;
5. Appraisals of other individuals with whom a respondent has a close family relationship;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or
8. Social security number.

B. The government entity or school district shall request prior written informed consent at least two weeks prior to the administration of the survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program.

C. A minor or student shall not participate in any survey, assessment, analysis, evaluation or comprehensive guidance and counseling values clarification program that concerns the issues listed in subsection A of this section unless the government entity or school district has obtained prior written informed consent from that minor’s or student’s parent or legal guardian.

D. Any violation of this act shall be subject to civil and criminal prosecution and/or any penalties that may apply.

E. The following notice shall be prominently displayed on the first page of any survey as defined in Section A:

Notice: If you are {insert age of majority} or younger or a student in a public school, you should not complete this survey unless your parent or legal guardian has given their written permission for you to do so.

Section 3. (Severability clause.)

Section 4. (Repealer clause.)

Section 5. (Effective date.)


Related Files
The Protection Of Minors’ And Students’ Rights Act (Microsoft Word Document)