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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1778

03/12/2015 Authored by Lucero, Gruenhagen and Erickson

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to education; establishing notice requirements for student surveys and
1.3 similar instruments; proposing coding for new law in Minnesota Statutes,
1.4 chapter 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [121A.24] REQUIREMENTS FOR STUDENT SURVEY AND
1.7 SIMILAR INSTRUMENTS.

1.8 (a) Unless the prior written informed consent of the parent or legal guardian of a
1.9 minor or dependent child is obtained through a signed and dated document, a school
1.10 district shall not administer or permit to be administered to a student, and a student
1.11 shall not participate in, an academic or nonacademic survey, questionnaire, assessment,
1.12 analysis, evaluation, or similar instrument that solicits information concerning:

- 1.13 (1) political affiliations or beliefs;
- 1.14 (2) mental or psychological problems;
- 1.15 (3) sexual behavior or attitudes;
- 1.16 (4) illegal, antisocial, self-incriminating, or demeaning behavior;
- 1.17 (5) critical appraisals of another individual;
- 1.18 (6) legally recognized privileged or analogous relationships, such as those with
1.19 a lawyer, physician, or minister;
- 1.20 (7) religious practices, affiliations, or beliefs; or
- 1.21 (8) income.

1.22 (b) Between 15 and 30 scheduled school days before the anticipated administration
1.23 of a survey or similar instrument to a student, a school district shall:

- 1.24 (1) notify the parent or legal guardian in writing of:

- 2.1 (i) the expected administration date of the instrument;
2.2 (ii) the information that will be solicited through the instrument;
2.3 (iii) how the results of the instrument will be utilized; and
2.4 (iv) the persons or entities that will have access to the results of the instrument;
2.5 (2) provide for a hard or electronic copy of the instrument to be readily available to
2.6 the parent or legal guardian; and
2.7 (3) obtain the signed and dated written consent of the parent or legal guardian before
2.8 a student is allowed to participate in a survey or similar instrument.
2.9 (c) The governor shall establish or designate an office and review board to investigate,
2.10 process, review, and adjudicate violations of the rights established under this section.
2.11 (d) A school district that violates the provisions of this section shall be subject to
2.12 monetary penalties that may include, but are not limited to, withholding or forfeiture of
2.13 funding under section 127A.42.
2.14 (e) A parent or guardian seeking to compel a school district to comply with this
2.15 section also has available the civil remedies under section 13.08, subdivision 4, in addition
2.16 to other remedies provided by law.