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ASSEMBLY BILL NO. 26—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DIVISION OF PUBLIC  
AND BEHAVIORAL HEALTH)

PREFILED DECEMBER 20, 2014

Referred to Committee on Education

**SUMMARY**—Revises provisions governing surveys, analyses and evaluations to be administered to pupils in public schools. (BDR 34-332)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to public schools; establishing when written authorization is required to be obtained from the parent or guardian of a pupil before a public school allows certain surveys, analyses and evaluations to be administered to the pupil; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal and state law requires a public school to obtain the written  
2 consent of a pupil who is an adult or emancipated minor or the parent or guardian  
3 of a pupil who is an unemancipated minor before requiring the pupil to participate  
4 in a survey, analysis or evaluation that is designed to elicit certain potentially  
5 sensitive information. (20 U.S.C. § 1232h; NRS 392.029) This bill further prohibits  
6 a public school from administering or allowing the administration of a survey,  
7 analysis or evaluation to an unemancipated pupil that is designed to elicit  
8 information concerning the personal health and welfare or private family matters of  
9 the pupil, unless the school obtains written consent from the parent or guardian of  
10 the pupil. However, this bill allows a public school to administer or allow the  
11 administration of such a survey, analysis or evaluation to a pupil without written  
12 consent if: (1) the pupil is allowed to remain anonymous; (2) participation is  
13 voluntary; and (3) certain other requirements are met.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 392 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Except as otherwise provided in subsection 2, a public*  
4 *school shall not administer or allow to be administered to a pupil*  
5 *who is an unemancipated minor a survey, analysis or evaluation*  
6 *that is designed to elicit information concerning the personal*  
7 *health and welfare or private family matters of the pupil unless the*  
8 *public school obtains written consent from the parent or guardian*  
9 *of the pupil.*

10       2. *A public school may administer a survey, analysis or*  
11 *evaluation described in subsection 1, or allow such a survey,*  
12 *analysis or evaluation to be administered, to a pupil who is an*  
13 *unemancipated minor without the written consent of the parent or*  
14 *guardian of the pupil if:*

15       (a) *The information is elicited in a manner that allows the*  
16 *pupil to remain anonymous;*

17       (b) *The parent or guardian of the pupil has not submitted the*  
18 *form described in subsection 3 or a written revocation pursuant to*  
19 *subsection 5; and*

20       (c) *The pupil has not refused to participate in the survey,*  
21 *analysis or evaluation pursuant to subsection 5.*

22       3. *Each school year, a public school that wishes to administer*  
23 *or allow the administration of a survey, analysis or evaluation*  
24 *pursuant to subsection 2 shall provide a form to the parent or*  
25 *guardian of each pupil that allows the parent or guardian to*  
26 *refuse consent to providing such a survey, analysis or evaluation*  
27 *to the pupil.*

28       4. *Before administering or allowing the administration of a*  
29 *survey, analysis or evaluation pursuant to subsection 2, a public*  
30 *school shall provide the parent or guardian of the pupil with an*  
31 *opportunity to review the survey, analysis or evaluation and*  
32 *written notice of:*

33       (a) *The manner in which the survey, analysis or evaluation*  
34 *will be administered;*

35       (b) *The manner in which the results of the survey, analysis or*  
36 *evaluation will be used; and*

37       (c) *The persons who will have access to the results of the*  
38 *survey, analysis or evaluation.*

39       5. *At any time:*

40       (a) *The parent or guardian of a pupil who is an*  
41 *unemancipated minor may revoke the written consent given*  
42 *pursuant to subsection 1 or refuse to provide consent for the*



1 *public school to administer or allow the administration of a*  
2 *survey, analysis or evaluation pursuant to subsection 2 by*  
3 *submitting a written revocation or refusal to the principal or other*  
4 *person in charge of the public school. Such a written revocation or*  
5 *refusal may apply to a particular survey, analysis or evaluation or*  
6 *to all surveys, analyses and evaluations administered pursuant to*  
7 *subsection 2 for the remainder of the current school year.*

8 *(b) A pupil may refuse to participate in a survey, analysis or*  
9 *evaluation that is designed to elicit information concerning the*  
10 *personal health and welfare or private family matters of the pupil.*

11 **Sec. 2.** This act becomes effective on July 1, 2015.

