

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 MAY 16 PM 2:00

Bill No. 201-31 (COR)

Introduced by:

V. Anthony Ada



**AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 6 OF
17GCA RELATIVE TO PROTECTION OF MINORS' AND
STUDENTS' RIGHTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 6 is *added* to Chapter 6 of 17 GCA to read as follows:

Article 6

Protection of Minors' and Students' Rights Act

§6600. Short title. This Act shall be known as the Protection of Minors' and Student's Rights Act.

§6601. Legislative Intent. *I Liheslaturan Guåhan* finds that school districts throughout the nation routinely survey student populations to obtain demographic information that they will use for a variety of educational and non-educational purposes.

I Liheslatura further finds that some surveys may include questions requesting that students divulge information of a sensitive or personal nature such as religious, political and sexual preferences. Many surveys may also include information that

1 may subject the student to identity theft or make them vulnerable to stalkers and
2 sexual predators.

3
4 It is the *intent of I Liheslatura* to require that prior to a government entity or
5 school district administering certain academic or nonacademic surveys,
6 assessments, analyses, evaluations or comprehensive guidance and counseling
7 values clarification programs to its students it must receive written informed
8 consent from a minor's or student's parent or legal guardian and must provide a
9 copy of the document to be administered for viewing at convenient locations and
10 time periods.

11
12 **§6602. Restrictions.**

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14 A. Unless a government entity or school receives prior written informed consent
15 from a minor's or student's parent or legal guardian and provides for a copy of the
16 document to be administered to be available for viewing at convenient locations
17 and time periods, the government entity or school shall not administer to a minor
18 or student any academic or nonacademic survey, assessment, analysis, evaluation
19 or comprehensive guidance and counseling values clarification program which
20 reveals information concerning:

- 21 1. Political affiliations;
22 2. Mental and psychological (medical) problems potentially embarrassing to
23 the student or the student's family;
24 3. Sexual behavior and attitudes;
25 4. Illegal, anti-social, and self-incriminating behavior;

- 1 5. Appraisals of other individuals with whom a respondent has a close
- 2 family relationship;
- 3 6. Legally recognized privileged or analogous relationships, such as those of
- 4 lawyers, physicians, and ministers;
- 5 7. Income, other than that required by law to determine eligibility for
- 6 participation in a program or for receiving financial assistance under a
- 7 program; or
- 8 8. Social security number.

9

10 B. The government entity or school shall request prior written informed consent at

11 least two weeks prior to the administration of the survey, assessment, analysis,

12 evaluation or comprehensive guidance and counseling values clarification

13 program.

14

15 C. A minor or student shall not participate in any survey, assessment, analysis,

16 evaluation or comprehensive guidance and counseling values clarification

17 program that concerns the issues listed in Paragraph A of this section unless the

18 government entity or school district has obtained prior written informed consent

19 from that minor's or student's parent or legal guardian.

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21 D. Any violation of this act shall be subject to civil and criminal prosecution

22 and/or any penalties that may apply.

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24 E. The following notice shall be prominently displayed on the first page of any

25 survey as defined in Paragraph A of this section:

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1 *“Notice: If you are younger than eighteen (18) years of age or a*
2 *student in a public school, you should not complete this survey*
3 *unless your parent or legal guardian has given their written*
4 *permission for you to do so.”*

5
6 **§6603. Restrictions on release of Identifying Information.** The government
7 entity or school shall not release names, dates of birth, addresses and phone
8 numbers of a minor student without the consent of the student’s parents or legal
9 guardian except to allow emergency medical personnel to contact the student’s
10 parents or guardian in cases of medical emergencies.

11
12 **§6604. Severability.** If any provision of this Article or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect other
14 provisions or applications of the Article which can be given effect without the
15 invalid provision or application, and to that end the provisions of this Article are
16 declared to be severable.