

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 640

Short Title: Schools Must Protect Student Privacy. (Public)

Sponsors: Senators Brock; Carpenter, Pittenger, Shubert, Sloan, and Tillman.

Referred to: Education/Higher Education.

April 1, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT THE PRIVACY OF STUDENTS AND THEIR FAMILIES.  
3 The General Assembly of North Carolina enacts:

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

6 "**§ 115C-405. Prohibition on the sale of test data on students.**

7 No data obtained through the student testing program shall be made available to any  
8 marketing organization without the express written permission of the parents or  
9 guardian of the student whose data is released."

10 SECTION 2. Article 29 of Chapter 115C of the General Statutes is amended  
11 by adding a new section to read:

12 "**§ 115C-405.1. Protection of the rights of students and their families.**

13 (a) All instructional materials, including teachers' manuals, films, tapes, or other  
14 supplementary material, that will be used in connection with any survey, analysis, or  
15 evaluation as part of any program shall be available for inspection by the parents or  
16 guardians of the children.

17 (b) No student shall be required to submit to a survey, analysis, or evaluation that  
18 reveals information concerning any of the following without (i) the prior written consent  
19 of the student's parent if the student is an unemancipated minor, or (ii) the prior consent  
20 of the student if the student is an adult or emancipated minor:

- 21 (1) Political affiliations;
- 22 (2) Mental and psychological problems potentially embarrassing to the  
23 student or his family;
- 24 (3) Sex behavior and attitudes;
- 25 (4) Illegal, antisocial, self-incriminating, and demeaning behavior;
- 26 (5) Critical appraisals of other individuals with whom respondents have  
27 close family relationships;
- 28 (6) Legally recognized privileged or analogous relationships, such as those  
29 of lawyers, physicians, and ministers; or

1           (7) Income, other than that required by law to determine eligibility for  
2           participation in a program or for receiving financial assistance under  
3           such program.

4           (c) All surveys, analyses, and evaluations that are subject to the provisions of  
5           subsection (b) of this section shall be marked 'Anonymous and Confidential' and the  
6           local board of education and its employees shall maintain the anonymity and the  
7           confidentiality of students' responses. A student's responses to such survey, analysis, or  
8           evaluation shall not be retained in that student's school record. No student shall be  
9           disciplined or penalized in any way because of the student's responses to such survey,  
10          analysis, or evaluation.

11          (d) Local school administrative units shall give parents and students effective  
12          notice of their rights under this section.

13          (e) The State Board of Education shall adopt rules and policies to implement the  
14          provisions of this section.

15          (f) The State Board of Education shall establish a review panel within the  
16          Department of Public Instruction to investigate, process, and review alleged violations  
17          of this section. If the review panel determines that there has been a failure to comply  
18          with such section, and that compliance with such section cannot be secured by voluntary  
19          means, the review panel shall report the matter to the State Board of Education. The  
20          State Board shall take such action as it determines appropriate to enforce this section."

21                 **SECTION 3.** This act is effective when it becomes law and applies to all  
22                 school years beginning with the 2003-2004 school year.