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HOUSE BILL NO. 2465

House Amendments in [] — February 5, 1995

A BILL to amend the Code of Virginia by adding in Chapter 14 of Title 22.1 a section numbered 22.1-289.01, relating to the disclosure of certain pupil and family information.

Patrons—Newman, Cantor, Kidd, Marshall, Reid, Sherwood and Wilkins; Senator: Stolle

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 14 of Title 22.1 a section numbered 22.1-289.01 as follows:

§ 22.1-289.01. Disclosure of certain pupil and family information; written notice and consent required.

A. No pupil shall be required, as part of any guidance, instructional, or other educational program, or school activity, to submit to a survey, analysis, evaluation, or treatment that requests personal or family information regarding (i) political or religious affiliations; (ii) mental or psychological conditions; (iii) sexual behavior, orientation, or attitudes; (iv) illegal, anti-social, self-incriminating, or demeaning behaviors; (v) critical appraisals of individuals with whom the pupil or the pupil's family has close family relationships; (vi) legally recognized privileged or confidential relationships, such as those with lawyers, medical personnel, or clergy; and (vii) income, other than that required by law to determine certain program or financial aid eligibility, without prior written notice of such survey, analysis, evaluation, or treatment and the written consent of the pupil, or, in the case of a pupil who is an unemancipated minor, the pupil's parent or guardian.

B. School boards shall provide two weeks' written notice to pupils, parents, and guardians regarding the administration of such survey, analysis, evaluation, or treatment. The notice shall set forth the right to obtain information about the records or information sought; the means by which such information will be obtained, reviewed, and examined; the purposes for which such information will be used; the persons who will have access to the information; and the methods by which the pupil, parent, or guardian may grant access to personally identifiable information. Pupil or parental consent previously given to approve admission to or participation in special education or other educational programs or school activities shall not constitute the written consent required by this section.

[C. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material that will be used in connection with any such survey, analysis, evaluation, or treatment shall be available for inspection by a pupil's parent or guardian.]

ENGROSSED

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