

# ASSEMBLY, No. 4042

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 16, 2022

**Sponsored by:**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**SYNOPSIS**

“Children Innocence Protection Act.”

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning sex education and the administration of surveys  
2 in public schools, supplementing chapter 35 of Title 18A of the  
3 New Jersey Statutes, and repealing P.L.2001, c.364 and  
4 P.L.2021, c.156.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. This act shall be known and may be cited as the “Children  
10 Innocence Protection Act.”

11

12 2. The Legislature finds and declares that parents and  
13 guardians have a fundamental right to make decisions regarding the  
14 upbringing and control of their children. It is fitting and proper for  
15 the Legislature to affirm the absolute control of parents and  
16 guardians to decide what their children are taught in school with  
17 regard to sex and gender in school and to decide what personal  
18 information is revealed about their children.

19

20 3. a. Notwithstanding the provisions of any law, rule, or  
21 regulation to the contrary, classroom instruction by school district  
22 personnel or third parties on sex, sex acts, abortion, birth control,  
23 sexual orientation, or gender identity shall not occur in any manner  
24 in kindergarten through grade five in any school of a school district.

25 b. Notwithstanding the provisions of any law, rule, or  
26 regulation to the contrary, classroom instruction by school district  
27 personnel or third parties on sex, sex acts, abortion, birth control,  
28 sexual orientation, or gender identity shall not occur in any manner  
29 in grade six through 12 in any school of a school district, unless  
30 prior to the classroom instruction occurring, the school district:

31 (1) provides all parents and guardians with written detailed  
32 information on the curriculum and subjects to be taught;

33 (2) provides all parents and guardians with an easily accessible  
34 electronic method to review lesson plans and ask questions;

35 (3) receives the express written consent of each parent or  
36 guardian of a student that will receive the classroom instruction.

37 c. The provisions of this section shall not apply to any  
38 curriculum or classroom instruction concerning the subjects of  
39 anatomy or biology, provided that the curriculum or classroom  
40 instruction is intended for a course or portion of a course in science.

41 d. Any school district personnel that teaches or discusses any  
42 topic in a classroom in violation of the provisions of this section, or  
43 otherwise fails to comply with the provisions of this section, shall  
44 be included as a party in any enforcement action available pursuant  
45 to section 5 of this act.

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47 4. a. A school district shall not administer to a student any  
48 academic or nonacademic survey, assessment, analysis, or

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1 evaluation that reveals information about the student or the  
2 student's family, unless the school district:

3 (1) notifies the student's parent or guardian of its intent to  
4 administer a survey, assessment, analysis, or evaluation, and  
5 provides a copy of the survey, assessment, analysis, or evaluation,  
6 at least two weeks prior to its administration;

7 (2) includes as the first item of the notification required  
8 pursuant to this subsection, in bold face type, a statement explaining  
9 that a student's parent or guardian may decline the administration of  
10 the survey, assessment, analysis, or evaluation and that declining  
11 shall not in any way impact the student's academics or be used  
12 against the student at the school; and

13 (3) receives prior written informed consent from the student's  
14 parent or guardian to administer the survey, assessment, analysis, or  
15 evaluation.

16 b. A school district shall not engage, contract, or partner with  
17 any private for profit or nonprofit entity for the purposes of  
18 administering to a student any academic or nonacademic survey,  
19 assessment, analysis, or evaluation that reveals information about  
20 the student or the student's family.

21  
22 5. A parent or guardian alleging that the school district or any  
23 personnel of the school district knowingly, willfully, or negligently  
24 violated the provisions of this act may:

25 a. request the Commissioner of Education to appoint a special  
26 administrative law judge to hear the parent or guardian's concerns;  
27 the special administrative law judge shall determine facts relating to  
28 the allegation, consider information provided by the school district  
29 and the parent or guardian, and render a recommended decision for  
30 resolution by the State Board of Education within 30 days after  
31 receipt of the request by the parent or guardian; the State Board of  
32 Education shall approve or reject the recommended decision at its  
33 next regularly scheduled meeting that is no less than seven calendar  
34 days and no more than 30 calendar days after the date the  
35 recommended decision is transmitted to the State Board of  
36 Education; or

37 b. bring an action against the school district to obtain a  
38 declaratory judgment that the school district procedure or practice  
39 violates the provisions of this act and seek injunctive relief. A court  
40 may award damages and shall award reasonable attorney fees and  
41 court costs to a parent or guardian who receives declaratory or  
42 injunctive relief.

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44 6. The following sections are repealed:  
45 Section 1 of P.L.2001, c.364 (C.18A:36-34); and  
46 Section 1 of P.L.2021, c.156 (C.18A:36-34.1).

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48 7. This act shall take effect immediately.

STATEMENT

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This bill prohibits a school district from teaching students about sex education under certain circumstances and prohibits a school district from administering to a student any academic or nonacademic survey, assessment, analysis, or evaluation which reveals information concerning the student or the student's family, unless the school district meets certain requirements.

The bill provides that classroom instruction by school district personnel or third parties on sex, sex acts, abortion, birth control, sexual orientation, or gender identity will not occur in any manner in kindergarten through grade five in any school of a school district. The bill also provides that classroom instruction by school district personnel or third parties on sex, sex acts, abortion, birth control, sexual orientation, or gender identity will not occur in any manner in grade six through 12 in any school of a school district, unless prior to the classroom instruction occurring, the school district:

(1) provides all parents and guardians with written detailed information on the curriculum and subjects to be taught;

(2) provides all parents and guardians with an easily accessible electronic method to review lesson plans and ask questions;

(3) receives the express written consent of each parent or guardian of a student that will receive the classroom instruction.

The provisions of the bill will not apply to any curriculum or classroom instruction concerning the subjects of anatomy or biology, provided that the curriculum or classroom instruction is intended for a course or portion of a course in science.

Under current law, a school district may administer a survey to a student that reveals certain information about the student, or the student's family, only if the district obtains the prior written informed consent of the student's parent or guardian. If the district obtains prior written informed consent of the student's parent or guardian, the law permits the district to administer a survey that reveals information concerning political affiliations; mental and psychological problems potentially embarrassing to the student or the student's family; sexual behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom a respondent has a close family relationship; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; income; or social security number.

Additionally, current law permits a school district to administer anonymous, voluntary surveys concerning student health upon prior written notification to parents and guardians. Specifically, the law permits school districts to administer a survey concerning the use of alcohol, tobacco, drugs, and vaping; sexual behavior and attitudes; behaviors that may contribute to intentional or unintentional injuries or violence; or physical activity and nutrition-related behaviors.

1 These surveys concerning student health may be administered two  
2 weeks after written notification is provided to parents and  
3 guardians.

4 This bill repeals the aforementioned sections of current law that  
5 permit school districts to administer certain surveys, and expressly  
6 prohibits school districts from administering any survey that reveals  
7 information about a student or a student's family, unless the school  
8 district: (1) notifies the student's parent or guardian of its intent to  
9 administer a survey, and provides a copy of the survey, two weeks  
10 prior to its administration; (2) includes as the first item of the  
11 notification, in bold face type, a statement explaining that a  
12 student's parent or guardian may decline the administration of the  
13 survey, and that declining the survey will not in any way impact the  
14 student's academics or be used against the student at the school;  
15 and (3) receives prior written informed consent from the student's  
16 parent or guardian.

17 The bill also prohibits a school district from engaging,  
18 contracting, or partnering with any private for profit or nonprofit  
19 entity for the purposes of administering to a student any academic  
20 or nonacademic survey, assessment, analysis, or evaluation that  
21 reveals information about the student or the student's family.

22 Under the bill, a parent or guardian alleging that the school  
23 district or any personnel of the school district knowingly, willfully,  
24 or negligently violated the provisions of the bill may:

25 (1) request the Commissioner of Education to appoint a special  
26 administrative law judge to hear the parent or guardian's concerns;  
27 the special administrative law judge will determine facts relating to  
28 the allegation, consider information provided by the school district  
29 and the parent or guardian, and render a recommended decision for  
30 resolution by the State Board of Education within 30 days after  
31 receipt of the request by the parent or guardian; the State Board of  
32 Education will approve or reject the recommended decision at its  
33 next regularly scheduled meeting that is no less than seven calendar  
34 days and no more than 30 calendar days after the date the  
35 recommended decision is transmitted to the State Board of  
36 Education; or

37 (2) bring an action against the school district to obtain a  
38 declaratory judgment that the school district procedure or practice  
39 violates the provisions of the bill and seek injunctive relief. A court  
40 may award damages and will award reasonable attorney fees and  
41 court costs to a parent or guardian who receives declaratory or  
42 injunctive relief.