I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 201-31 (COR), "AN ACT TO *ADD* A NEW ARTICLE 6 TO CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROTECTION OF MINORS' AND STUDENTS' RIGHTS"**, was on the 27th day of April, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 27th day of Apr, 2012, at 2:00 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 201-31 (COR)
As substituted by the Committee on Education
and Public Libraries; and amended on the floor.

Introduced by: V. Anthony Ada
Chris M. Dueñas
Judith P. Guthertz, DPA
T. R. Muña Barnes
T. C. Ada
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B. J.F. Cruz
Sam Mabini, Ph.D.
Adolpho B. Palacios, Sr.
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Aline A.Yamashita, Ph.D.
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AN ACT TO *ADD* A NEW ARTICLE 6 TO CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, 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 Title 17, Guam Code Annotated, 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 Findings and 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 may subject the student to identity theft or make them vulnerable to stalkers and sexual predators.

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

§ 6602. Restrictions.

(a) *Unless* a government entity or school receives prior written informed consent from a minor's or student's parent or legal guardian, and provides for a copy of the document to be administered to be available for viewing at convenient locations and time periods, the government entity or school *shall not* administer to a minor or student any academic or nonacademic survey, assessment, analysis, or evaluation which reveals information concerning:

(1) political affiliations;

(2) mental and psychological (medical) problems potentially embarrassing to the student or the student's family;

(3) sexual behavior and attitudes;

(4) illegal, anti-social, and self-incriminating behavior;

(5) appraisals of other individuals with whom a respondent has a close family relationship;

(6) legally recognized, privileged, or analogous relationships, such as those of lawyers, physicians, and ministers;

(7) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or

(8) social security number.

(b) The government entity or school *shall* request prior written informed consent *at least* two (2) weeks prior to the administration of the survey, assessment, analysis, or evaluation.

(c) A minor or student *shall not* participate in any survey, assessment, analysis, or evaluation that concerns the issues listed in Subsection (a) of this Section *unless* the government entity or school district has obtained prior written informed consent from that minor's or student's parent or legal guardian.

(d) Any violation of this Act *shall* be subject to civil and criminal prosecution and/or any penalties that may apply.

(e) The following notice *shall* be prominently displayed on the first page of any survey as defined in Subsection (a) of this Section:

"Notice: If you are younger than eighteen (18) years of age and a student in a public school, you should not complete this

survey unless your parent or legal guardian has given their written permission for you to do so."

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

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

Section 2. Authorization for the Compiler of Laws to Renumber Sections as Necessary. The Compiler of Laws *shall*, if necessary, renumber any provisions of this Act in the event that the numbers of such sections conflict with the existing numbers of sections of public law.