

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

Bill No. 5E-32 (COR)

Introduced by:

V. Anthony Ada



2013 FEB 27 PM 12:13

**AN ACT TO AMEND §§6602 AND 6603 AND TO ADD A
NEW §6703 TO CHAPTER 6 OF 17GCA RELATIVE TO
PROTECTION OF STUDENT INFORMATION.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Section 6602 of Article 6 of Chapter 6 of 17 GCA is *amended* to read:

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4 **"§6602. Restrictions.**

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

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(1) political affiliations;

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

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(3) sexual behavior and attitudes;

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(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
4 those of 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 program;
7 or

8 (8) social security number.

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

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

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

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

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

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27 (e) This section shall not apply to a survey, assessment, analysis, or evaluation
28 that does not identify the taker of such survey, assessment, analysis, or evaluation.

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(f) This section shall not apply to a survey, assessment, analysis, or evaluation administered for the purpose of gathering information relating to bullying, violations of school conduct or the *Criminal and Corrections Code*, the immediate health or safety of students or school staff, or conducted pursuant to federal law or regulation.

Section 2. Section 6603 of Article 6 of Chapter 6 of 17 GCA is *amended* to read:

"§6603. Restrictions on Release of Identifying Information.

~~The~~ A government entity or school shall not release names, dates of birth, addresses, email addresses and or phone numbers of a minor student students 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 or by public safety personnel to conduct criminal investigations. A government entity or school shall not release the date of birth, address, email address or phone numbers of an adult student without the consent of the student, except to allow emergency medical, school and public safety personnel to contact the student in cases of emergencies.

Section 3. A new section 6703 is *added* to Article 7 of Chapter 6 of 17GCA to read:

"§6703. Exemption for IDEA surveys.

Any surveys that are conducted pursuant to the provisions of 20U.S.C. §1400 (Individual with Disabilities Education Act 'IDEA') or its successors are exempt from the provisions of this Article."