



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

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

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

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

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

b. Notwithstanding the provisions of any law, rule, or regulation to the contrary, classroom instruction by school district personnel or third parties on sex, sex acts, abortion, birth control, sexual orientation, or gender identity shall 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;

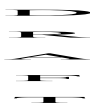
(3) receives the express written consent of each parent or guardian of a student that will receive the classroom instruction.

c. The provisions of this section shall 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.

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

4. a. A school district shall not administer to a student any academic or nonacademic survey, assessment, analysis, or evaluation that reveals information about the student or the student’s family, unless the school district:

(1) notifies the student’s parent or guardian of its intent to administer a survey, assessment, analysis, or evaluation, and



provides a copy of the survey, assessment, analysis, or evaluation, at least two weeks prior to its administration;

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

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

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

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

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

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

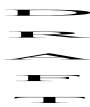
6. The following sections are repealed:

Section 1 of P.L.2001, c.364 (C.18A:36-34); and  
Section 1 of P.L.2021, c.156 (C.18A:36-34.1).

7. This act shall take effect immediately.

## STATEMENT

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;

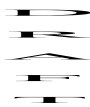
(3) receives the express written consent of each parent or guardian of a student that will receive the classroom instruction.

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

This bill repeals the aforementioned sections of current law that permit school districts to administer certain surveys, and expressly prohibits school districts from administering any survey that reveals information about a student or a student's family, unless the school district: (1) notifies the student's parent or guardian of its intent to administer a survey, and provides a copy of the survey, two weeks prior to its administration; (2) includes as the first item of the notification, in bold face type, a statement explaining that a



student's parent or guardian may decline the administration of the survey, and that declining the survey will not in any way impact the student's academics or be used against the student at the school; and (3) receives prior written informed consent from the student's parent or guardian.

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

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

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

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

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