STATE OF NEW YORK

3641

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sens. MURRAY, ASHBY, LANZA, OBERACKER, RHOADS, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing the "pupil privacy act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new article 18 to read as follows:

ARTICLE 18
PUPIL PRIVACY ACT

Section 850. Short title.
851. Definitions.
852. Student protected information surveys; notification; opting out.

§ 850. Short title. This article shall be known and may be cited as the "pupil privacy act".

§ 851. Definitions. For the purposes of this article the following terms shall have the following meanings:

1. "School" shall mean any public, private or charter school and any school established pursuant to chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six that offers instruction to pupils enrolled in kindergarten through twelfth grade; and

2. "Student information protected survey" shall mean any student survey that contains one or more personalized and specific question or questions related to a student's, parent's or legal guardian's personal attitudes, beliefs, or experiences related to any of the following subject areas: health; mental health; sexual behavior; gender identification; religious practices, affiliations, or beliefs; or family dynamics.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 852. Student protected information surveys; notification; opting out. 1. No later than fifteen school days prior to administering a student protected information survey, a school shall notify the parents or legal guardians of every student that such survey will be distributed.

2. Such notice shall:

(a) explain the purpose of the survey and shall clarify whether the survey is part of the health or other general education curriculum or unrelated to either;

(b) provide the exact content of the survey questions including each question as it will appear in the survey; and

(c) provide parents and legal guardians the opportunity to opt their child out from participating.

3. Pursuant to paragraph (c) of subdivision two of this section, parents and legal guardians shall be provided with a mechanism to opt their child out of completing a student protected information survey. Each school shall determine the most effective mechanism to utilize for such process and such mechanism shall be clearly delineated in the applicable notice. Every school shall permit receipt of such notification by the parent or legal guardian up until the time such survey is administered.

§ 2. This act shall take effect immediately.