

HOUSE BILL 610

F1

(71r2981)

ENROLLED BILL

— *Ways and Means / Education, Health, and Environmental Affairs* —

Introduced by **Delegate Dumais**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Education~~ **State Department of Education and Department of Health and**
3 **Mental Hygiene - Student Surveys - ~~Youth Risk Behavior Surveillance~~**
4 **System Survey Workgroup**

5 FOR the purpose of requiring the State Department of Education ~~to collaborate with~~
6 ~~the Department of Health and Mental Hygiene to incorporate the provisions of~~
7 ~~the Maryland Adolescent Survey and the Youth Tobacco Survey into the~~
8 ~~Centers for Disease Control and Prevention Youth Risk Behavior Surveillance~~
9 ~~System survey; providing for certain exceptions to the authority of the~~
10 ~~Department of Education to omit certain survey questions; altering certain~~
11 ~~parental notification requirements; clarifying that certain surveys are part of~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



~~the Youth Risk Behavior Surveillance System survey; requiring the Department of Health and Mental Hygiene, certain county boards, and certain schools to cooperate with the Department of Education in administering the survey; defining certain terms; and the Department of Health and Mental Hygiene to jointly to establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date in certain years; requiring the Department of Education to administer a certain survey on or before a certain school year; providing for the termination of this Act; and generally relating to the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey~~ the establishment of a Workgroup workgroup relating to student surveys.

BY repealing and reenacting, without amendments,

Article – Education

Section 7-420

Annotated Code of Maryland

(2006 Replacement Volume)

~~BY repealing and reenacting, with amendments, adding to~~

~~Article – Education~~

~~Section 7-420 7-420.1~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Health – General~~

~~Section 13-1001(l) and (w) and 13-1003(d)~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2006 Supplement)~~

~~BY adding to~~

~~Article – Health – General~~

~~Section 13-1001(w)~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2006 Supplement)~~

Preamble

1 WHEREAS, Public agencies concerned with the health of Maryland children
2 need periodic surveys to acquire data in order to determine appropriate preventive
3 education, regulations, and services; and

4 WHEREAS, Federal and State laws mandate the periodic collection of data
5 regarding the use of tobacco, alcohol, and other drugs by the youth of the State; and

6 WHEREAS, The United States Centers for Disease Control and Prevention
7 ~~provides a Youth Risk Behavior Surveillance System survey to states which generates~~
8 ~~health risk data in a broad range of areas~~ has established and maintains, in
9 collaboration with the states, systems for the collection of data regarding the use of
10 tobacco, alcohol, and other drugs by youth, including the Youth Tobacco Survey and
11 the Youth Risk Behavior Survey; and

12 WHEREAS, The national nature of ~~the Youth Risk Behavior Surveillance~~
13 ~~System survey~~ these surveys enables states to compare the risk behaviors of their
14 children with those of children in other parts of the country and is required data for
15 the receipt of certain federal grant funding; and

16 ~~WHEREAS, In 2004, the Maryland General Assembly passed legislation~~
17 ~~requiring that the Youth Risk Behavior Surveillance System survey be administered~~
18 ~~every 2 years in a randomly selected sample of Maryland schools; and~~

19 WHEREAS, The administration of surveys requires substantial time and effort
20 by Maryland schools; and

21 WHEREAS, ~~The Youth Risk Behavior Surveillance System survey obtains some~~
22 ~~of the data required for the Maryland Adolescent Survey and the Youth Tobacco~~
23 ~~Survey and can be modified to obtain all legally required data on the use of tobacco,~~
24 ~~alcohol, and other drugs~~ It is desirable to minimize the administrative impact of these
25 surveys on both students and schools in order to improve the quality and validity of
26 the data collected; now, therefore,

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article - Education**

30 7-420.

31 (a) The Department shall establish procedures for the administration of the
32 Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System
33 survey.

1 **(b)** *The Department may omit up to a maximum of one-third of the survey*
 2 *questions if the Department considers the content of the questions inappropriate.*

3 **(c)** **(1)** *The Department shall require a local school system to obtain*
 4 *parental consent using a parental consent form before administering the survey.*

5 **(2)** *The parental consent form shall include a statement that explains*
 6 *how a parent can obtain a copy of the survey questions that will be administered and*
 7 *more information regarding the survey, including the mailing address, telephone*
 8 *number, and website address of the Centers for Disease Control and Prevention.*

9 ~~7-420.~~

10 **~~(a)~~** **~~(1)~~** ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
 11 ~~MEANINGS INDICATED.~~

12 **~~(2)~~** ~~“MARYLAND ADOLESCENT SURVEY” HAS THE MEANING~~
 13 ~~STATED IN § 13-1001(L) OF THE HEALTH GENERAL ARTICLE.~~

14 **~~(3)~~** ~~“SURVEY” MEANS THE CENTERS FOR DISEASE CONTROL AND~~
 15 ~~PREVENTION YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.~~

16 **~~(4)~~** ~~“YOUTH TOBACCO SURVEY” HAS THE MEANING STATED IN §~~
 17 ~~13-1001(X) OF THE HEALTH GENERAL ARTICLE.~~

18 **~~(b)~~** **~~(1)~~** ~~The Department shall establish procedures for the administration~~
 19 ~~of [the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance~~
 20 ~~System] THE survey.~~

21 **~~(2)~~** ~~THE DEPARTMENT SHALL COLLABORATE WITH THE~~
 22 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO INCORPORATE THE~~
 23 ~~PROVISIONS OF THE MARYLAND ADOLESCENT SURVEY AND THE YOUTH~~
 24 ~~TOBACCO SURVEY INTO THE SURVEY.~~

25 **~~[(b)](c)~~** **~~(1)~~** ~~[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
 26 ~~SUBSECTION, THE Department may omit up to a maximum of one-third of the survey~~
 27 ~~questions if the Department considers the content of the questions inappropriate.~~

28 **~~(2)~~** ~~EXCEPT AS PROVIDED IN § 13-1003(D) OF THE HEALTH~~
 29 ~~GENERAL ARTICLE, THE DEPARTMENT SHALL ENSURE THAT THE CONTENT OF~~

~~1 THE SURVEY INCLUDES THE CONTENT PROVISIONS OF THE MARYLAND~~
~~2 ADOLESCENT SURVEY AND THE YOUTH TOBACCO SURVEY.~~

~~3 [(e)] (D) (1) The Department shall require a local school system to~~
~~4 [obtain parental consent using a parental consent form] NOTIFY PARENTS before~~
~~5 administering the survey.~~

~~6 (2) The [parental consent form] NOTIFICATION REQUIRED UNDER~~
~~7 PARAGRAPH (1) OF THIS SUBSECTION shall include:~~

~~8 (I) A FORM THAT MAY BE RETURNED BY A PARENT TO DENY~~
~~9 A STUDENT'S PARTICIPATION IN THE SURVEY; AND~~

~~10 (II) [a] A statement that explains how a parent can obtain a~~
~~11 copy of the survey questions that will be administered and more information regarding~~
~~12 the survey, including the mailing address, telephone number, and website address of~~
~~13 the Centers for Disease Control and Prevention.~~

~~14 Article Health General~~

~~15 13-1001.~~

~~16 (l) "Maryland Adolescent Survey" means the Maryland Adolescent Survey~~
~~17 that is administered by the Maryland State Department of Education AS PART OF~~
~~18 THE YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.~~

~~19 (w) "YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY" MEANS~~
~~20 THE CENTERS FOR DISEASE CONTROL AND PREVENTION YOUTH RISK~~
~~21 BEHAVIOR SURVEILLANCE SYSTEM SURVEY ADMINISTERED BY THE MARYLAND~~
~~22 STATE DEPARTMENT OF EDUCATION UNDER § 7-420 OF THE EDUCATION~~
~~23 ARTICLE.~~

~~24 [(w)] (X) "Youth Tobacco Survey" means the Youth Tobacco Survey~~
~~25 developed by the Centers for Disease Control and Prevention and administered by the~~
~~26 [Department with the assistance of the] Maryland State Department of Education AS~~
~~27 PART OF THE YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.~~

~~28 13-1003.~~

~~29 (d) (1) In conducting the Baseline Tobacco Study, the Department may~~
~~30 consider any data collected after March 1, 2000 through the administration of the~~

1 ~~Maryland Adolescent Survey or the Youth Tobacco Survey AS PART OF THE YOUTH~~
 2 ~~RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.~~

3 ~~(2) The [Maryland State Department of Education] DEPARTMENT,~~
 4 ~~county boards of education, and each school selected to participate in the Maryland~~
 5 ~~Adolescent Survey or the Youth Tobacco Survey AS PART OF THE YOUTH RISK~~
 6 ~~BEHAVIOR SURVEILLANCE SYSTEM SURVEY shall cooperate with the MARYLAND~~
 7 ~~STATE Department OF EDUCATION in administering the surveys.~~

8 ~~(3) (i) Subject to subparagraph (ii) of this paragraph, the Maryland~~
 9 ~~State Department of Education may not discontinue administration of the Maryland~~
 10 ~~Adolescent Survey PORTION OF THE YOUTH RISK BEHAVIOR SURVEILLANCE~~
 11 ~~SYSTEM SURVEY until after it has submitted a report to the Governor and, subject to~~
 12 ~~§ 2-1246 of the State Government Article, the General Assembly that states the~~
 13 ~~reason for discontinuing the survey.~~

14 ~~(ii) If the Maryland State Department of Education submits a~~
 15 ~~report as provided under subparagraph (i) of this paragraph, it may discontinue the~~
 16 ~~Maryland Adolescent Survey PORTION OF THE YOUTH RISK BEHAVIOR~~
 17 ~~SURVEILLANCE SYSTEM SURVEY in the first school year that begins after the report~~
 18 ~~has been submitted.~~

19 **7-420.1.**

20 **(A) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND**
 21 **MENTAL HYGIENE JOINTLY SHALL ESTABLISH A WORKGROUP TO EVALUATE**
 22 **AND REDUCE:**

23 **(1) THE IMPACT ON SCHOOLS OF ADMINISTERING VARIOUS**
 24 **HEALTH-RELATED SURVEYS TO STUDENTS; AND**

25 **(2) THE IMPACT ON STUDENTS OF TAKING VARIOUS**
 26 **HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT.**

27 **(B) THE WORKGROUP SHALL BE COMPOSED OF THE FOLLOWING:**

28 **(1) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT;**

29 **(2) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT**
 30 **OF HEALTH AND MENTAL HYGIENE;**

1 **(3) REPRESENTATIVES FROM LOCAL SCHOOL DISTRICTS OF**
2 **VARYING SIZES;**

3 **(4) REPRESENTATIVES FROM LOCAL HEALTH DEPARTMENTS OF**
4 **VARYING SIZES;**

5 **(5) AT LEAST ONE REPRESENTATIVE WHO IS A PARENT WITH A**
6 **CHILD IN A PUBLIC SCHOOL;**

7 **(6) ONE EPIDEMIOLOGIST WHO HAS KNOWLEDGE OF AND**
8 **EXPERIENCE WITH STATISTICAL ANALYSIS; AND**

9 **(7) REPRESENTATIVES WHO HAVE KNOWLEDGE OF AND**
10 **EXPERIENCE WITH THE MARYLAND ADOLESCENT SURVEY, THE MARYLAND**
11 **YOUTH TOBACCO SURVEY, THE YOUTH RISK BEHAVIOR SURVEY, OR ANY**
12 **OTHER HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN A PUBLIC**
13 **SCHOOL FROM:**

14 **(I) THE DEPARTMENT; AND**

15 **(II) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

16 **(C) THE WORKGROUP SHALL MEET AS A WHOLE AT LEAST FOUR TIMES**
17 **EACH YEAR.**

18 **(D) THE PURPOSES OF THE WORKGROUP ARE TO:**

19 **(1) MINIMIZE THE IMPACT ON SCHOOLS OF ADMINISTERING**
20 **HEALTH-RELATED SURVEYS TO STUDENTS DURING SCHOOL HOURS;**

21 **(2) MINIMIZE THE IMPACT ON STUDENTS OF TAKING**
22 **HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT; AND**

23 **(3) COLLECT VALID AND OBJECTIVE DATA FROM HEALTH-RELATED**
24 **SURVEYS OF STUDENTS THAT MEET THE LEGAL DATA COLLECTION**
25 **RESPONSIBILITIES OF THE DEPARTMENT AND DEPARTMENT OF HEALTH AND**
26 **MENTAL HYGIENE TO THE FEDERAL GOVERNMENT.**

27 **(E) THE WORKGROUP SHALL STUDY AND EVALUATE:**

1 **(1) THE FEASIBILITY AND DESIRABILITY OF DEVELOPING AND**
2 **ADMINISTERING A SINGLE SURVEY INSTRUMENT;**

3 ~~**(2) THE DEVELOPMENT OF A UNIFORM PASSIVE PARENTAL**~~
4 ~~**CONSENT FORM FOR ANY SURVEY ADMINISTERED IN SCHOOLS IN THE STATE;**~~

5 ~~**(3)**~~ **(2) THE COORDINATED ADMINISTRATION OF SEVERAL**
6 **SURVEYS DURING A SINGLE SESSION;**

7 ~~**(4)**~~ **(3) THE COORDINATED ADMINISTRATION OF SURVEYS**
8 **USING CORE SURVEY MODULES SUPPLEMENTED BY ADDITIONAL SURVEY**
9 **MODULES;**

10 ~~**(5)**~~ **(4) ALTERNATING THE ADMINISTRATION OF SURVEYS OVER**
11 **MULTIPLE SCHOOL YEARS;**

12 ~~**(6)**~~ **(5) METHODS OF ADMINISTERING HEALTH-RELATED**
13 **SURVEYS TO STUDENTS USED BY OTHER STATES, WITH EMPHASIS ON STATES**
14 **THAT CONDUCT COUNTY-SPECIFIC SURVEYS; AND**

15 ~~**(7)**~~ **(6) USING A COMBINATION OF SURVEY ADMINISTRATION**
16 **METHODS, INCLUDING ADMINISTERING COUNTY-SPECIFIC SURVEYS WITH**
17 **STATEWIDE SURVEYS.**

18 **(F) THE WORKGROUP MAY CONSULT WITH THE FOLLOWING ~~GROUPS~~**
19 **ENTITIES, ~~GROUPS,~~ OR INDIVIDUALS:**

20 **(1) THE FEDERAL CENTERS FOR DISEASE CONTROL AND**
21 **PREVENTION OR ANY OTHER UNIT OF FEDERAL GOVERNMENT THAT ISSUES**
22 **GUIDELINES OR RECOMMENDATIONS REGARDING ANY HEALTH-RELATED**
23 **SURVEY ADMINISTERED TO YOUTH;**

24 **(2) COUNTY HEALTH OFFICERS OR HEALTH EDUCATORS TO**
25 **ASSESS:**

26 **(I) THE UTILITY OF SURVEY DATA; AND**

27 **(II) WHETHER CHANGES TO SURVEY METHODOLOGY ARE**
28 **NEEDED TO IMPROVE THE DATA COLLECTED; AND**

1 **(3) PARENTS, TEACHERS, AND PRINCIPALS TO:**

2 **(I) DETERMINE THE IMPACT OF ADMINISTERING SURVEYS;**
3 **AND**

4 **(II) SOLICIT IDEAS FOR REDUCING THE IMPACT OF**
5 **ADMINISTERING OR TAKING SURVEYS.**

6 **(G) (1) ON OR BEFORE SEPTEMBER 1 ~~OF EACH EVEN-NUMBERED~~**
7 **YEAR, 2008, THE WORKGROUP SHALL SUBMIT A REPORT, IN ACCORDANCE WITH**
8 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE**
9 **COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**
10 **AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS**
11 **COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE ON ITS FINDINGS**
12 **AND RECOMMENDATIONS.**

13 **(2) THE REPORT SHALL INCLUDE:**

14 **(I) A DESCRIPTION OF EACH HEALTH-RELATED SURVEY**
15 **ADMINISTERED TO STUDENTS IN SCHOOLS BY THE DEPARTMENT OR THE**
16 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE INCLUDING:**

17 **1. THE NAME OF THE SPONSORING AGENCY;**

18 **2. ANY APPLICABLE FEDERAL OR STATE MANDATES**
19 **THAT IMPACT THE METHODS OF ADMINISTERING THE SURVEY;**

20 **3. THE SURVEY METHODOLOGY;**

21 **4. A SAMPLE SURVEY QUESTIONNAIRE;**

22 **5. THE SAMPLE SIZE AND FREQUENCY OF THE SURVEY**
23 **ADMINISTRATION;**

24 **6. FUNDING SOURCES AND SURVEY COSTS; AND**

25 **7. A COPY OF THE EXECUTIVE SUMMARY OF THE LATEST**
26 **REPORT DEVELOPED FROM EACH SURVEY;**

27 **(II) AN EXPLANATION OF:**

1 **1. THE UTILITY OF THE DATA COLLECTED BY THE**
2 **SURVEY; AND**

3 **2. HOW THE DATA WILL BE USED TO STUDY OR**
4 **IMPROVE STATE AND LOCAL HEALTH EDUCATION OR SAFETY FOR YOUTH OF**
5 **THE STATE;**

6 **(III) AN EXPLANATION OF METHODS OF SURVEY**
7 **ADMINISTRATION USED IN OTHER STATES THAT ADMINISTER COUNTY-LEVEL**
8 **HEALTH-RELATED SURVEYS TO STUDENTS;**

9 **(IV) A SUMMARY OF ANY CONCERNS EXPRESSED BY LOCAL**
10 **SCHOOL DISTRICTS, PRINCIPALS, TEACHERS, OR PARENTS REGARDING:**

11 **1. THE IMPACT OF ADMINISTERING OR TAKING**
12 **SURVEYS; AND**

13 **2. IDEAS FOR ALTERNATIVE WAYS OF MINIMIZING**
14 **THE IMPACT OF ADMINISTERING OR TAKING SURVEYS;**

15 **(V) AN ANALYSIS OF ALTERNATIVE SURVEYS CONSIDERED,**
16 **INCLUDING THE ADVANTAGES AND DISADVANTAGES OF EACH SURVEY**
17 **CONSIDERED, INCLUDING:**

18 **1. THE FEASIBILITY OF USE AND IMPLEMENTATION;**

19 **2. CONSISTENCY WITH THE PURPOSES OF THE**
20 **WORKGROUP; AND**

21 **3. COMPLIANCE WITH FEDERAL AND STATE LEGAL**
22 **REQUIREMENTS;**

23 **(VI) AN ANALYSIS OF ANY CHANGES MADE TO THE**
24 **ADMINISTRATION OF SURVEYS IN SCHOOLS AND HOW THE CHANGES HELPED TO**
25 **REDUCE THE IMPACT ON SCHOOLS AND STUDENTS; AND**

26 **(VII) ANY OTHER RECOMMENDATIONS OF THE WORKGROUP,**
27 **INCLUDING LEGAL, REGULATORY, OR POLICY CHANGES.**

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of~~
 2 ~~Education shall administer the version of the Youth Risk Behavior Surveillance~~
 3 ~~System survey that incorporates the provisions of the Maryland Adolescent Survey~~
 4 ~~and the Youth Tobacco Survey on or before the 2009-2010 school year.~~

5 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
 6 effect ~~October~~ July 1, 2007. *It shall remain effective for a period of 2 years and, at the*
 7 *end of June 30, 2009, with no further action required by the General Assembly, this Act*
 8 *shall be abrogated and of no further force and effect.*

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.