

# HOUSE BILL 536

F1

(8lr2865)

## 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 **Public Schools – Youth Risk Behavior Surveillance System – Passive**  
3 **Parental Consent**

4 FOR the purpose of requiring the State Department of Education to require local  
5 school systems to utilize passive parental consent before administering a certain  
6 survey; requiring local school systems to provide parents with certain  
7 statements and forms; requiring certain forms to be part of a certain card that  
8 ~~requests~~ request for certain information in certain years to certain students or  
9 the parent or guardian of certain students; and generally relating to the  
10 administration of the Centers for Disease Control and Prevention Youth Risk  
11 Behavior Surveillance System survey in the public schools of the State.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 7–420

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### 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.*



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2007 Supplement)

3 Preamble

4 WHEREAS, Many factors contributing to crippling or fatal injuries, asthma,  
5 obesity, and other health problems of children and youth are associated with  
6 environmental or behavioral risk factors; and

7 WHEREAS, Reliable data on risk factors contributing to child and adolescent  
8 deaths and illnesses enable public health personnel to develop programs to mitigate  
9 these factors; and

10 WHEREAS, The United States Centers for Disease Control and Prevention  
11 have created the Youth Risk Behavior Surveillance System (YRBSS), which is a tool to  
12 measure these factors and to monitor the effectiveness of risk reduction programs; and

13 WHEREAS, The United States Centers for Disease Control and Prevention  
14 recommend the use of passive consent for the administration of the YRBSS survey, in  
15 order to obtain a completely representative and statistically valid number of survey  
16 participants; now, therefore,

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

19 **Article – Education**

20 7–420.

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

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

26 (c) (1) The Department shall require a local school system to [obtain  
27 parental consent using a parental consent form] **UTILIZE PASSIVE PARENTAL**  
28 **CONSENT** before administering the survey.

29 (2) The [parental consent form shall include] **LOCAL SCHOOL**  
30 **SYSTEM SHALL PROVIDE EACH PARENT WITH:**

31 (I) [a] **A statement that ~~explains:~~**

32 **1. NOTIFIES THE PARENT THAT:**

- 1                   **A. THE SURVEY IS CONFIDENTIAL;**
- 2                   **B. THE ANSWERS WILL BE KEPT PRIVATE;**
- 3                   **C. THE STUDENT'S NAME WILL NOT BE REQUIRED ON**  
4 **THE SURVEY RESPONSE SHEET; AND**
- 5                   **D. THE SURVEY IS DESIGNED TO IDENTIFY RISK**  
6 **BEHAVIORS THAT MAY INCLUDE SAFETY BEHAVIORS SUCH AS USE OF HELMETS**  
7 **AND SEAT BELTS, DEPRESSION AND MENTAL HEALTH, USE OF TOBACCO,**  
8 **ALCOHOL, OR OTHER DRUGS, NUTRITION AND PHYSICAL ACTIVITY, AND SEXUAL**  
9 **BEHAVIOR; AND**

10                   **2. EXPLAINS** how a parent can obtain a copy of the  
11 survey questions that will be administered and more information regarding the  
12 survey, including the mailing address, telephone number, and website address of the  
13 Centers for Disease Control and Prevention; **AND**

14                   **(II) A SUBJECT TO SUBSECTION (D) OF THIS SECTION, A**  
15 **DENIAL OF PERMISSION FORM THAT MAY BE RETURNED BY THE PARENT TO THE**  
16 **SCHOOL.**

17                   **(D) (1) FOR THE ACADEMIC YEAR DURING WHICH THE SURVEY WILL**  
18 **BE CONDUCTED, THE DENIAL OF PERMISSION FORM SHALL BE A PART OF THE**  
19 **~~CARD REQUESTING~~ REQUEST FOR EMERGENCY CONTACT INFORMATION THAT IS**  
20 **DISTRIBUTED BY THE PUBLIC SCHOOL TO EACH STUDENT OR PARENT OR**  
21 **GUARDIAN OF THE STUDENT.**

22                   **(2) THE DENIAL OF PERMISSION FORM SHALL BE DISTRIBUTED**  
23 **ONLY TO A STUDENT OR THE PARENT OR GUARDIAN OF A STUDENT WHO MAY BE**  
24 **SUBJECT TO THE SURVEY ADMINISTERED UNDER THIS SECTION.**

25                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2008.