

# HOUSE BILL 536

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8lr2865  
CF 8lr0626

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By: **Delegate Dumais**

Introduced and read first time: January 31, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

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; and generally relating to the administration of the  
8 Centers for Disease Control and Prevention Youth Risk Behavior Surveillance  
9 System survey in the public schools of the State.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 7–420  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2007 Supplement)

15 Preamble

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

19 WHEREAS, Reliable data on risk factors contributing to child and adolescent  
20 deaths and illnesses enable public health personnel to develop programs to mitigate  
21 these factors; and

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 **Article - Education**

8 7-420.

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

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

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

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

19 (I) [a] **A** statement that explains how a parent can obtain a  
20 copy of the survey questions that will be administered and more information regarding  
21 the survey, including the mailing address, telephone number, and website address of  
22 the Centers for Disease Control and Prevention; **AND**

23 (II) **A DENIAL OF PERMISSION FORM THAT MAY BE**  
24 **RETURNED BY THE PARENT TO THE SCHOOL.**

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