

SENATE BILL 473

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8lr0626

By: **Senators Garagiola, Forehand, Lenett, Madaleno, Pinsky, Pugh, and Robey**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

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

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 7–420
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

16 Preamble

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

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.



1 WHEREAS, Reliable data on risk factors contributing to child and adolescent
2 deaths and illnesses enable public health personnel to develop programs to mitigate
3 these factors; and

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

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

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

13 **Article – Education**

14 7–420.

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

18 (b) The Department may omit up to a maximum of one–third of the survey
19 questions if the Department considers the content of the questions inappropriate.

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

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

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

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

27 **A. THE SURVEY IS CONFIDENTIAL;**

28 **B. THE ANSWERS WILL BE KEPT PRIVATE;**

29 **C. THE STUDENT’S NAME WILL NOT BE REQUIRED ON**
30 **THE SURVEY RESPONSE SHEET; AND**

31 **D. THE SURVEY IS DESIGNED TO IDENTIFY RISK**
32 **BEHAVIORS THAT MAY INCLUDE SAFETY BEHAVIORS SUCH AS USE OF HELMETS**

1 AND SEAT BELTS, DEPRESSION AND MENTAL HEALTH, USE OF TOBACCO,
2 ALCOHOL, OR OTHER DRUGS, NUTRITION AND PHYSICAL ACTIVITY, AND SEXUAL
3 BEHAVIOR; AND

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

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

10 **(D) FOR THE YEAR DURING WHICH THE SURVEY WILL BE CONDUCTED,**
11 **THE DENIAL OF PERMISSION FORM SHALL BE A PART OF THE CARD REQUESTING**
12 **EMERGENCY CONTACT INFORMATION THAT IS DISTRIBUTED BY THE PUBLIC**
13 **SCHOOL TO EACH STUDENT OR PARENT OR GUARDIAN OF THE STUDENT.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.