

CHAPTER 405

(House Bill 536)

AN ACT concerning

Public Schools – Youth Risk Behavior Surveillance System – Passive Parental Consent

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

BY repealing and reenacting, with amendments,

Article – Education

Section 7–420

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

Preamble

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

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

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

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

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

Article – Education

7-420.

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

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

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

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

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

1. NOTIFIES THE PARENT THAT:

A. THE SURVEY IS CONFIDENTIAL;

B. THE ANSWERS WILL BE KEPT PRIVATE;

C. THE STUDENT'S NAME WILL NOT BE REQUIRED ON THE SURVEY RESPONSE SHEET; AND

D. THE SURVEY IS DESIGNED TO IDENTIFY RISK BEHAVIORS THAT MAY INCLUDE SAFETY BEHAVIORS SUCH AS USE OF HELMETS AND SEAT BELTS, DEPRESSION AND MENTAL HEALTH, USE OF TOBACCO, ALCOHOL, OR OTHER DRUGS, NUTRITION AND PHYSICAL ACTIVITY, AND SEXUAL BEHAVIOR; AND

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

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

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

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

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

Approved by the Governor, May 13, 2008.