

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

**Revised**

House Bill 536

(Delegate Dumais)

Ways and Means

Education, Health, and Environmental Affairs

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**Public Schools - Youth Risk Behavior Surveillance System - Passive Parental Consent**

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This bill alters the parental consent procedures for the Youth Risk Behavior Surveillance System (YRBSS) to utilize passive parental consent for participation in the survey. Rather than requiring a parental consent form for participation in the survey, a local school system is required to provide each parent whose child may be subject to the survey with a denial of permission form that may be returned to the school. The denial of permission forms must be provided with the emergency contact information forms distributed by public schools to each student or each student's parent or guardian. In addition, local school systems must notify parents that the survey is confidential, survey responses will be kept private, students' names will not be required on the survey response sheets, and the survey is designed to identify risk behaviors.

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**Fiscal Summary**

**State Effect:** None. The bill is directed at local school systems.

**Local Effect:** Changing from active to passive consent forms for the YRBSS would not affect local school finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The Maryland State Department of Education must require a local school system to obtain parental consent using a parental consent form before administering the

YRBSS. The consent form must include a statement that explains how a parent can obtain a copy of the survey questions that will be administered, as well as additional information about the YRBSS.

**Background:** Chapter 331 of 2004 required MSDE to establish procedures for the administration of YRBSS, a survey developed in 1990 by the Centers for Disease Control and Prevention (CDC) to measure the prevalence of risk behaviors among adolescents. The behaviors that are measured include:

- tobacco use;
- unhealthy dietary behaviors;
- inadequate physical activity;
- alcohol and other drug use;
- sexual behaviors that contribute to unintended pregnancy and sexually transmitted diseases; and
- behaviors that contribute to injuries and violence.

According to CDC, YRBSS was designed to determine the prevalence of risk behaviors, assess changes in the prevalence of risk behaviors, and examine the co-occurrence of risk behaviors. CDC administers YRBSS every two years to a representative sample of private and public high school students in the nation.

Chapter 306 of 2007 requires MSDE and the Department of Health and Mental Hygiene to evaluate and reduce the impact on schools and students of administering and taking various health-related surveys. One of the issues the workgroup is examining is the use of passive consent. Like the YRBSS, the Youth Tobacco Survey (YTS) and the Maryland Adolescent Survey (MAS) are administered to Maryland high school students periodically. Currently, YTS and MAS use passive parental consent. The workgroup's report is due by September 1, 2008.

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### **Additional Information**

**Prior Introductions:** As introduced, SB 9 of 2007 would have required passive consent for participation in YRBSS. The bill was amended to instead require a workgroup to study issues relating to youth health risk surveys and was enacted as Chapter 306.

**Cross File:** SB 473 (Senator Garagiola, *et al.*) – Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2008  
mll/rhh Revised - House Third Reader - April 3, 2008  
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