

Alaska State Legislature

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Senator Bettye Davis

Senate Bill 101, 26-LS0524\A

"An Act relating to questionnaires and surveys administered in the public schools."

Sponsor Statement

SB 101 will provide for more student participation in school questionnaires and surveys administered or required by Alaska school districts and the Department of Education and Early Development, while at the same time constitutionally protecting the privacy rights of parents and students and also complying with the federal Protection of Pupil Rights Amendment (PPRA), 20 U.S.C., section 1322h.

With the exception the anonymous Youth Risk Behavior Survey noted in new subsection AS 14.03.110(g) which has been administered biennially since 1991 by the United States Centers for Disease Control and Prevention, SB 101 provides that a school district may not administer a survey, anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is first obtained from the student's parent or legal guardian. SB 101 provides in AS 14.03.110(e) that a student may still "refuse to answer specific questions" or to participate in the survey.

SB 101 changes subsection AS 14.03.110(e) by requiring that parents who do not want their children to participate in an anonymous survey, must "opt out" or "actively dissent" to participation with written denial of permission submitted to the teacher or principal. SB 101 effectively changes parental consent to anonymous surveys under the current statute from "active" to "passive" consent, *i.e.*, implied consent without written objection. Notice, however, is still required and permission for anonymous surveys can be obtained by school districts annually under the unchanged provision of AS 14.03.110(b).

The 2-week notice requirements under AS 14.03.110(b),(c) remain unchanged, but revised subsection AS 14.03.110(d) under SB 101 requires more information in the notice than current provisions in recognition of the need for more attention to constitutional due process in matters of student privacy. Changes require more information about the nature and content of the survey, the date, sponsor, school contacts, and opportunity to refuse participation in a questionnaire or survey.

Changes under SB 101 comport with the original legislative intent of the school survey statute before it was changed in 1999. The current statute, which requires “active” parental consent for youth to participate in anonymous school surveys requires that parents must acknowledge both permission and denial in writing. SB 101 requires only that parents deny permission in writing to anonymous surveys. Surveys which are not anonymous or that delve into personal or private matters still require parental written consent for permission for students to participate with the exception of AS 14.03.110(g) regarding the Youth at Risk Behavior Survey noted above. The need for statutory changes under SB 101 follow:

It has been found that “active” parental consent overburdens the public school system and drastically increases the costs and labor involved in conducting student surveys. Moreover, “active” consent greatly reduces overall participation by students, because many parents simply are non-responsive. While studies have found that the vast majority of parents would consent to students participating in school surveys, non-response is more often due to apathy, oversight, and student omission or error, rather than parental refusal. Many districts are unable to use the data they collect because there are not enough participants for statistical validation. Some surveys such as the Youth Risk Behavior Survey cannot be validated with less than 60% participation, as occurred in Alaska in 2005. Lack of participation may also reduce federal funding.

School surveys provide reliable and valuable measures of population-based information on youth which helps policy makers, educators, program planners, and parents to better understand health and social issues that affect students’ prospects for program success. Standardized surveys such as the Youth Risk Behavior Survey track trends over time and help guide and evaluate important health and prevention programs. State and federal grant programs which rely on these surveys include tobacco prevention and control, obesity prevention, diabetes, heart disease and stroke, safe and drug free schools and other substance abuse prevention, injury prevention, including violence and suicide prevention, HIV and STD prevention, and more.