

SCOMM

125:44

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 18, 2002

SUBJECT: Public school questionnaires - HB 408

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Prohibits a public school student being given a school questionnaire or survey unless written permission is obtained from the student's parent or legal guardian, or the questionnaire or survey is anonymous or concerns a matter of public record or public observation.

Section 2. Provides that for an anonymous school questionnaire or survey written permission is not required, but the student's parent or legal guardian must get the opportunity to deny permission to take the questionnaire or survey.

Section 3. Requires that for purposes of a school questionnaire or survey under AS 14.03.110(a) or (b), the school district must provide a parent or legal guardian at least two weeks written notice of the right to grant or deny permission to take the school questionnaire or survey, before it is administered.

Section 4. Specifies the contents of the written notice required to be given a parent or legal guardian, regarding a school district questionnaire or survey.

Section 5. Provides that a student's parent or legal guardian may refuse to allow participation in a specific school questionnaire or survey by submitting written denial of permission for the student's participation.

MFF:med
02-167.med

SECTIONAL ANALYSIS

Revilla Island Prevention Coalition
 3054 Fifth Avenue • Ketchikan, Alaska 99901
 907-225-4350

February 15, 2002

Derek Peterson, Director Child and Youth Advocacy
 Association of Alaska School Boards
 Juneau, Alaska

To Whom It May Concern:

I am very pleased to learn about House Bill No. 408 that would change the parental consent requirement for surveys or questionnaires that are anonymous. PATCHWorks is a community asset building initiative in Ketchikan. In 1997 and 2001 in cooperation with the Ketchikan School District, we administered Search Institute's *Profiles of Student Life: Attitudes and Behaviors* survey. They were an absolute nightmare to accomplish.

To obtain the most valid data, we targeted our total 7th-12th grade population of 1200 students. According to the existing Alaska statute, our formidable task was to get 1200 permission slips. As a former School Board member, I understand the value of this data for planning and funding purposes. Also, as research supports, the health status of students is directly related to their academic performance.

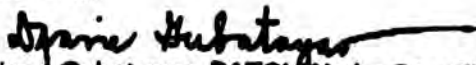
We spent months and thousands of dollars to have parents return permission slips. We had tables at back to school night and conferences. We did expensive direct mailings. We sponsored incentives for students to bring forms back. We published ads in the paper and paid for PSAs on radio. In our most recent survey, after this tremendous effort, we had obtained about 810 permission slips, or about 60% of our targeted group.

Here are some of the serious challenges:

- It is a nightmare for school principals to figure out an administration time that does not disrupt classes because you have only a partial group of your student body participating in the survey.
- The validity of the results are questionable, and possibly skewed because parents in struggling or non-supportive families are less likely to make the effort to return the permission slips.
- Districts are resistant to conducting surveys because of the added stress, and as a result are at risk of losing funding through grants that require recent data.
- Districts are hindered in measuring outcomes and effectiveness of certain critical programs such as substance abuse prevention education.
- Finally, communities are limited in obtaining valuable information to guide public officials and educate citizens in meeting the needs of their youth.

I strongly support passage of House Bill No. 408. It still gives parents the opportunity to withdraw their child from the survey if that is their choice. And I know from experience that the major surveys go to great lengths to assure that participants are anonymous.

Sincerely,



Diane Gubatayao, PATCHWorks Coordinator
 Member, Revilla Island Prevention Coalition

Members
 PATCHWorks
 Women in Safe Homes
 Seamen Youth Reach
 Gateway Center for
 Human Services
 Jaskians for Drug
 Free Youth/
 Recovery Center
 Juvenile Probation
 Ketchikan Resource
 Center
 Ketchikan Youth
 Court
 Ketchikan Middle
 School
 UNOE.com
 and News Fellowship
 Ketchikan Police Dept
 Elder Care
 coordination
 Ketchikan Indian
 Corporation
 Community Connections
 EriCorps

Member of Community Anti-Drug Coalitions of America

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

FAX TRANSMITTAL INFORMATION SHEET

DATE: February 13, 2002

TIME: 3:38 PM

TO: Name: Karen McCarthy
 Agency/Office: Rep. Bunde
 Fax Number: (907) 465-3871
 Comments This is a document that was produced in 1999 and has not
 been revised yet for the current conversation. What is
 important is the second bullet on page 2 regarding FERPA.
 Please call with any questions!

FROM: Name: Terri Campbell
 Office Number: (907) 465-8731
 Fax Number (907) 465-4156
 Number of Pages Including Cover Sheet: 5

Youth Risk Behavior Survey

WHY DOES DOE WANT TO DO THE YRBS IN ALASKA? WHAT DOES IT PROVIDE?

The YRBS assists the DOE and school districts throughout the state in reaching the Quality School Initiatives. The following are areas that are addressed through completion of the survey.

High Student Academic Standards and Assessment	Quality Professional Standards	School Excellence Standards	Family, School, Business and Community Network
Provide information that will assist school districts in shaping programs, services and referrals that provide students with the knowledge and skills necessary to make healthier choices. Healthier, safer students are better able to attend to other areas of instruction, including RWM, thus improving academic achievement.	Provides schools with the information necessary to implement/augment professional development opportunities for teachers surrounding current health education "best practices". Understanding what the problems are will assist districts in creating professional opportunities to educate teachers in addressing these problems successfully.	Assist schools and districts in planning and providing for safer and healthier school environments for students and staff.	Assist parents, schools and communities identify and address issues pertinent to student health and well being. By providing information, all concerned groups can address and support improved educational efforts to address the failing health and safety of students in their districts.

Other strengths for participation in the YRBS:

- Monitor progress in achieving the National Education Goal that focuses on safe, disciplined, and drug-free schools.
- Support local school districts in assessment, implementation and evaluation of comprehensive school health programs at no charge to the district.
- Focus statewide comprehensive school health education teacher training and instructional programs.
- Focus the state on behaviors among youth causing the most important health problems. Provide comparable data between state and national results.
- Monitor progress in achieving Healthy Alaskan 2000 objectives.
- Support state policy development, evaluation, and/or revision.
- Provides the state with the most reliable and valid instrument available to assess risk behaviors.

What the Alaska Department of Education can do to support the YRBS:

1. Become familiar with the purpose and "hot" questions surrounding the YRBS.
2. Look at the Alaska Law regulating family related questions the Attorney General's interpretation.
3. Consider issuing a statement from the Department of Education outlining position on what is family related information.
4. Issue a statement in support of the YRBS from the Commissioner's office.
5. Ask the State Board of Education to issue a position supporting the use of the YRBS.
6. Communicate with the Office of the Governor regarding the importance/purpose of the YRBS.
7. Review the cooperative agreement signed between the DOE and DHSS (enclosed) and review responsibilities agreed upon.

CAUSES OF DEATH AMONG YOUTH AGES 5-24 YEARS: (NATION WIDE)

- Motor vehicle crash - 28%
- Other unintentional injury - 11%
- Homicide - 21%
- Suicide - 12%
- All other causes - 28%

CAUSES OF DEATH AMONG YOUTH AGES 5-24 YEARS: (ALASKA SPECIFIC, 1995)

- Motor vehicle crash - 26%
- Other unintentional injury - 33%
- Homicide - 7%
- Suicide - 17%
- All other causes - 17%

**** Vast differences in Other unintentional injury may result from reporting classification, increased death specifically related to subsistence living (i.e., fishing/drowning, gun shots not related to homicide etc.)**

The Anchorage School Board supports modifying the requirements for parental permission for student participation in surveys or questionnaires. Our district has experienced significant difficulties collecting sufficient signatures for statistically valid surveys. We are also having to make substantial administrative efforts and expenditures to collect, track and report the permission data. As a ~~direct~~ result we have already lost about \$300,000 in grants and federal auditors have put our Safe and Drug Free Schools program on notice that it's bordering on non-compliance due to lack of current data.

The current language of AS 14.03.110 requires active parent permission in all cases of student surveys or questionnaires, whether anonymous or not. It applies to all surveys that inquire into personal or private family affairs of the student that are not a matter of public record or subject to public observation. While active parental permission can be granted on an annual basis for anonymous surveys, specific permission is required for each survey that is not anonymous. In the Anchorage School District, the cost of administering a district-wide or school-wide survey can reach into the tens of thousands of dollars as a result of this requirement for active prior parental consent.

An equally important problem with active consent for all surveys is that many parents, with their busy schedules, simply don't have, or don't take, the time to respond. Most parents of high school students don't even show up when their

children register for school. Active parent permission requires parents take the time to complete the permission form and return it to the District. Unless parents also read background about the need for such survey information they often fail to see why these efforts even matter. The end result is that the surveys administered may not be statistically meaningful because the numbers responding are so low. In fact, in the ASD, several planned surveys have been scrapped because of low parent response. Unfortunately, the decision to discontinue a planned survey occurs only after our District has spent thousands of dollars to give notice of the survey and to seek parental permission, often going back two or three times to try for adequate numbers.

On the other hand, the parental right to deny permission (passive parental consent), as proposed in HB 408, will permit the administration of anonymous surveys to all students except those whose parents have indicated that they do not want the survey to be administered to their student. Parents will continue to have ample opportunity to review any survey. The ability to administer surveys that have statistically significant results is necessary for educational research and studies relying on this data. This is hampered under the existing law.

The ability of parents to consent to those surveys that are not anonymous, and to deny permission for those surveys that are, securely protects the privacy of our students and their families. The continued requirement for full and complete

notice in this bill will allow families to make informed decisions as to student participation.

Additionally, AS 14.03.110 is just one vehicle which protects the right of privacy for students and their parents. Federally, the Family Educational Rights and Privacy Act ("FERPA") provides that personally identifiable information contained in a student's educational records is protected from disclosure to third parties without parental consent, except in limited instances. And a more recent second Act, the Protection of Pupil Rights Amendment ("PPRA" or "Hatch Amendment") is similar to Alaska's student survey law. The PPRA protects the rights of parents and students in two ways. First, it ensures that instructional materials related to a survey are available for inspection by parents. Second, it provides that parental consent must be obtained before students are required to participate in any USDOE-funded survey, analysis, or evaluation that reveals information in several categories deemed to be invasive of student or family privacy.

All Alaska school districts that receive federal funds must comply with FERPA and the PPRA. The PPRA consent requirements apply to any survey funded by monies from the United States Department of Education. The proposed language of HB 408 incorporates the same protections of the federal law, only it does so more broadly, applying to all surveys administered, regardless of the

funding mechanism, and regardless of whether student participation is required or is voluntary. Accordingly, HB 408 adequately protects students in Alaska.

We appreciate the Committee efforts to recognize our concerns in this area. We are in process of making a through review of the bill and hope to be able to share some specific thoughts on its language in the near future. HB 408 addresses a significant problem; it is worthy of support. We thank you for its introduction.

Debbie Ossiander, PO Box 670772, Chugiak, AK 688-2308

Subject: Student Surveys

Date: Thu, 14 Feb 2002 16:00:53 -0900

From: Judy Neary <judy.neary@searhc.org>

To: Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

This is in regards to HB 408 and the student surveys. As an individual working with youth, gathering unbiased and honest information from students is vital to structuring our programs to meet the needs of youth in our schools. Please change the way the law currently reads and allow students to complete anonymous surveys without their parents' consent.

Subject: HB 408

Date: Fri, 15 Feb 2002 16:59:42 -0900

From: Jim Douglas <jyces@uas.alaska.edu>

Organization: Alaska Cooperative Extension

**To: Representative_Con_Bunde@legis.state.ak.us,
representative_beth_kertulla@legis.state.ak.us,
Representative_Bill_Hudson@legis.state.ak.us**

Representatives Bunde, Kertulla, and Hudson, It is imperative that we are able to conduct survey's in schools to determine not only attitudes but in many cases student successes and failures with such things as substance abuse, character education, daily school and personal issues. The present law requiring parental consent negates most surveys as youth fail to get the forms home or the forms get lost at home. The change to allow parents the right of non consent will allow those parents who object to a survey to remove their child from the pool, without reducing the valuable information we need to make informed judgments about youth issues. Please know that the state 4-H program supports HB 408 as we need the type of information these surveys provide so we can adjust our programs to meet the real needs of today's youth. Thanks for your support.

Jim Douglas
4-H Program Chair
907-465-8756
3032 Vintage Blvd. Suite 104
Juneau, AK 99801
jyces@uas.alaska.edu

Subject: HB408 testimony--please replace email I sent 5 minutes ago

Date: Fri, 15 Feb 2002 15:58:03 -0900

From: "Jessica Paris" <parisj@mail.jsd.k12.ak.us>

To: Representative_Con_Bunde@legis.state.ak.us

I am a teacher at JDHS. I am writing in support of HB408, which allows us to survey youth with passive parental consent. As a society we are often naïve about the problems our youth face and the risky behaviors they choose to participate in. If it weren't for the 1999 YRBS (an anonymous survey of Alaska teens), I would never have thought that over half of our juniors and seniors have had sex. I still find it difficult to believe that 1 out of 4 of my little freshmen have had sex. We obviously need to do better at educating them about how to say no.

We do have programs that are trying to do that right now, like ATI (Alaska Teen Institute) and PSI (Postponing Sexual Involvement), but we need to be able to get accurate statistics in order to evaluate the need and the effectiveness of these and other programs designed to help youth. What if these programs are a waste of time? What if they do not achieve their goals or in fact do more harm than good? They should not continue to receive money. These programs need to be held accountable. And what if the programs are both necessary and effective? Shouldn't they continue to be funded?

But how are we to evaluate them without information about youth behavior? We need to be able to survey a representative sample of youth in order to get valid information. Law 14.03.110, which requires active parental consent in order to survey youth, has (perhaps inadvertently) harmed our ability to judge what programs our students need and our ability to fund these programs. Requiring active parental consent hamstring a survey because you only get statistics on Permission-Slip-Returning Kids or kids with School-Mail-Reading-And-Returning Parents. And in a post 1999 attempt to survey students under active parental consent laws, "Returners" constituted about only 10% of the population. This might not invalidate an election, but it does invalidate a survey.

Under HB408, parents will still have the right to refuse permission for their child to participate in an anonymous survey. Students will still have the right to refuse to participate.

But under current law parents and students who want the student to participate in an anonymous survey will NOT have that right if the child doesn't remember to return the consent form. Why do they fail to return it? Maybe it's the same reason I always forget to buy toothpaste and lightbulbs.

Please support HB 408. Thank you for your time.

Jessica Paris
Teacher at JDHS
586-4695

Subject: Student Surveys

Date: Thu, 14 Feb 2002 14:00:33 -0900

From: "Christinar" <christinar@serrc.org>

Organization: SERRC

To: <Representative_Con_Bunde@legis.state.ak.us>

Representative Bunde

I would like to request you support changing the student survey consent law. Presently, the law requires active parent consent. If we are to obtain a realistic picture of students behaviors we need to hear from a greater population of students. By having passive student consent parents are still given ample opportunity to see any surveys given to their students and request the their students not participate.
Thank you for your work toward getting this changed.

Christina Reagle

Christina Reagle, M.Ed.

SERRC

900 West 5th Ave., Suite 101

Anchorage, Alaska 99501

907.349.0651

Dear Representative Bunde,

I support the bill (HB408) to change the state law regarding ACTIVE PARENT Consent for anonymous student surveys.

Due to the positive parental consent law, our state and Alaskan communities have been at a disadvantage since we have not been able to get solid data back from our surveying efforts. The implications are vast, when it comes to collecting data on adolescents.

Parent and student rights will be safeguarded with appropriate policies concerning surveys and questionnaires, and the appropriate protections will continue if the suggested changes in the law are enacted.

Thank you for your consideration.

Donna Rae Faulkner
PO Box 3004, 811 Ocean Drive Loop, Homer, Alaska 99603
(907)235-4778

Director of Alaska ICE
Association of Alaska School Boards
319 West 11th Street
Juneau, AK 99801

Subject:

Date: Thu, 14 Feb 2002 18:16:20 -0600

From: Peggy Spittler <peggy.spittler@heart.org>

To: "representative_con_bunde@legis.state.ak.us" <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde

I would like you to know that i strongly am in favor of the following bill!

HB 408 - Student Survey Bill

Thank you

"The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn. " Alvin Toffler

Peggy Spittler, Executive Director
American Heart Association
1057 West Fireweed, Suite 100
Anchorage, AK 99503
phone 907.263.2015
fax 907.263.2045
toll-free 888.276.0858

Methodology for Collecting a Valid and Reliable Youth Risk Behavior Sample: Resulting Efforts of the 2001 Youth Risk Behavior Survey (YRBS)

In January of 2001, the YRBS high school sample was drawn. The high school sample included 36 schools from 19 districts and sought 1,480 completed questionnaires. The goal was to get a level of participation from both schools and students to achieve an overall response rate of 60% or greater. Twenty-four schools participated, resulting in 637 completed survey responses, far short of the 1,480. The overall response rate for 2001 was 29%. This is far short of the 60% overall rate needed to have weighted or representative data. To provide a comparison, the 1999 YRBS response rate was 66%.

Additionally, all school districts were invited to participate at the local level to collect local district level data to compare to state and national data. In previous years, more than 25 of the 53 school districts participated and received the surveys, scanning and data analysis free of charge. Of those districts, 22 received weighted data. In 2001, however, only 14 districts chose to participate. Several Districts who declined to participate confided it was because of the active parental consent law.

Of the 14 districts that participated at the local level, only four received "weighted" or useable data, and of those four, only one had more than one *school* in the district. Additionally, the multi-school district that did receive weighted data said that they would not participate again (with active consent) as it was a huge undertaking. That district mailed consent letters and explanations of the data collection process via US mail as well as sending copies home with students. When the return rate was low, they sent out another letter and augmented that effort with phone calls to parents. That effort raised the return rate, but was still short of what was necessary. At that point, they utilized village school aides to visit homes and try to get the slips signed. That final effort brought the return rate to 90%.

Other school districts made similar efforts to collect signed parental permission slips. The following is a summary of what districts around the state did during the school year of 2000 -2001 to collect enough parental permission slips to obtain weighted data YRBS data.

1. Several districts had permission slips available at registration for parents to sign. Although this worked well in some districts, many districts do not require the parent to be present at registration to activate the student for the year. Therefore, many districts fell short of reaching all parents with method.
2. Another venue that districts used to collect additional permission slips was at the fall parent/teacher conferences. Again, this was successful for some districts, especially small districts, but for larger ones it was not as successful.
3. In January, after the State YRBS sample had been drawn, many districts were still trying to collect parental permission slips. After notification of inclusion in the State sample, many of those districts sent out an additional letter to parents. By the end of February, the return rates for parental permission slips were still quite low in most districts. We offered to assist districts in their efforts by providing money for additional mailings. All districts refused our offer of funds, but did send out additional letters to parents and in some cases two additional letters. Additionally, several districts tried to increase their return rates by contacting parents by phone, and in some cases, in person.
4. Lastly, many districts used incentives to try to increase the return rates of permission slips. In some cases, these incentives cost the district money from already stretched program budgets.

Subject: HB 408

Date: Thu, 14 Feb 2002 18:05:23 -0900

From: "John and Karen" <steinmarie@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Dear Rep. Bunde

I support legislation to ease the restrictions on anonymous student surveys.

The present restrictions make scientifically accurate information about our students and schools unreasonably difficult to obtain.

Timely, repeatable inquiries are essential to establish trends on issues of risk behavior, school safety and health and to measure the effectiveness of remedial efforts. This same information helps manage HSS budget expenditures to keep costs down.

Thank you

John C. Stein, Executive Director, Kids Are People, inc., Mat-Su

Subject: HB 408 parent permission bill

Date: Wed, 13 Feb 2002 23:48:28 -0900

From: Becky Judd <bjudd-h@ak.net>

To: "representative_con_bunde@legis.state.ak.us" <Representative_Con_Bunde@legis.state.ak.us>

I strongly support this bill.

I have talked with many many schools & youth organizations who don't have the data to know if their alcohol/drug prevention activities are effective, if their teen pregnancy prevention activities are curbing the initiation of early sexual activity, if all our anti-tobacco prevention efforts are stemming the tide of teen tobacco use!

WE DON'T KNOW... Because of the current law.

We do have adequate prevalence data for the teen risk behaviors. The current law has put an undue financial and time burden on schools to get the active consent from parents for their children to participate in anonymous surveys.

I know..having talked to many many many parents that, they never even see the permission slips..it just gets lost... a school mails them a second, third slip, makes phone calls to parents, and they still never make it back to the school. The time (\$\$\$) spent on tracking those permission slips is COSTLY.

Meanwhile schools and youth organizations are not able to compete with local organizations from other states for national foundation or federal dollars because they can not document their needs nor trends, since we don't have the local or statewide prevalence data that comes from the YRBS.

This spring the YRBS was administered to randomized schools around the state, again because of this law... there was not enough active parent consents to make the data collected useable.

Alaska and its communities remain in the dark about the prevalence of our teens risk behaviors. Help us lift the veil! Parents will still have the right to deny participation. WE are removing undue burdens and dollars!

Becky Judd
6401 Italy Cir.
Anchorage AK 99516
345-3619

Jeff Budd

Subject: Jeff Budd

Date: Thu, 14 Feb 2002 11:19:47 -0800 (PST)

From: Jeff Budd <jbudd3500@yahoo.com>

To: Representative_Con_Bunde@legis.state.ak.us

14 Feb 02

Dear Representative Bunde,

Please help in the passing of the bill to allow youth serving agencies to better gather data so that we can provide the services our Alaska youth need and deserve. Thank you. Jeff Budd, Sitka, Alaska

Do You Yahoo!?

Send FREE Valentine eCards with Yahoo! Greetings!

Subject: HB 408 - Student Survey Bill

Date: Thu, 14 Feb 2002 13:53:56 -0800

From: Ley Schleich <arcticloon@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Honorable Representative Bunde,

I am writing to you with strong support for HB 408, the Student Survey bill, that is currently before you for consideration.

I have been involved with helping school districts conduct the Youth Risk Behavior Survey, the Developmental Assets Survey, and other health-related surveys. I am familiar with the survey data needed for the statewide tobacco control plan. None of the data generated from these surveys since the requirement of active parental consent is of much value, in my estimation, because of the small "N's" due to the active parent consent state law. As a prevention specialist striving to help schools and community groups in their efforts to be accountable and to conduct sound evaluations of programs, I can tell you the law makes this impossible.

We can get good data about program effectiveness and behavior trends without hurting people. I believe parents' and students' rights and privileges will be protected through policies already in place for informing them of survey material and giving them an opportunity to opt out.

I trust you and your colleagues in the Legislature will see the wisdom of repealing the active parental consent law by supporting HB408.

Sincerely,
Ley Schleich
Owner, Arctic Loon Consulting
P. O. Box 874216
Wasilla, AK 99687

Subject: HB 408

Date: Thu, 14 Feb 2002 16:40:29 -0800

From: "buddy4" <buddy4@alaska.net>

To: "Representative Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>

Con,

I am writing in support of HB 408 which is the student survey bill. With passive consent of student surveys, public health will be able to measure the effectiveness of community and student programs designed to improve school performance and reduce high risk behavior.

As a parent I have no objection to my two teenagers taking an anonymous survey about their teenage habits.

Joan Diamond

Subject: hb408

Date: Thu, 14 Feb 2002 19:59:57 -0600

From: "echavarria" <echavarria@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

I understand that there is proposed legislation to change the state law regarding active written permission slips for surveys of students in our public schools.

I am an Athabascan Indian who has lived and worked in the rural setting of Alaska. I personally was opposed to the original legislation requiring active written permission due to the impact and the cost to gather health behavior information of importance to our native people and to our population in general. I've written many grants that have used the state's valuable resource, the Adolescent Health Survey, which by the way was an anonymous survey. I certainly support this repeal as it relates to anonymous surveys. I thought the previous legislation was led by a strong minority of our population who don't understand the significance that demographics, epidemiology and statistics portrays in the measuring of outcome measures that are often not noticed in a short period of time especially when behavior change is the goal. I appreciate this opportunity to convey and exercise my rights to change policy in my home state. Thank you

Subject: HB 408

Date: Thu, 14 Feb 2002 21:18:07 -0900

From: Janice Tower <jtower@alaska.com>

To: Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde,

Two things are on my mind tonight. First is to congratulate you for having the courage to push the Legislature into considering a broad-based revenue generating plan to help us balance the state budget. Finally, someone (you) threw a forward pass and not one off to the side.

Secondly, I am in support of HB 408, a bill to change the law regarding active parent consent for participation in anonymous surveys. In order for educators and health professionals to target improvements in education and public health, the experts need to know what the kids are up to. Surveys such as the Youth Risk Behavior Survey could provide valuable insights to the behavior of adolescents. Better program design and planning would be a favorable end result.

Thank you for your time, and keep up the good work.

Janice Tower
7645 Griffith Street
Anchorage, AK 99507

Subject: Support for HB 408

Date: Thu, 14 Feb 2002 20:51:32 -0900

From: "Bret and Kathy Burton" <burton@mtaonline.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde,

It is with great enthusiasm that I relate to you my overwhelming approval of HB408.

As a pediatrician it is imperative to know the children in my care, their families, and the environment in which they are growing. Commonly, I cannot be familiar with the all the facets of their lives. One tool to gain insight is the Youth Risk Behavior Survey from the Center's for Disease Control and Prevention. Every other year this anonymous survey is given in the public school system and snapshot is taken of our children's lives. The questions are balanced, non-intrusive, and non-suggestive. Answers are collated by the CDC in Atlanta and given to our state to objectively evaluate how well we are providing healthy homes, schools, and communities. An example of the 2001 survey can be seen at <http://www.cdc.gov/nccdphp/dash/yrbs/2001survey.htm>

This valuable information has been incomplete for our state in the last several years. An assumption has been legislated that parents can trust our schools to give our children answers in life but cannot be entrusted with asking them questions. Because we lack objective information about our children our state has missed the opportunity for federal and state grants to improve our educational processes.

Fortunately, HB408 changes that. Parents and guardians remain the experts on their children. Thus, they will be given the opportunity to deny administration of any questionnaire or survey. Furthermore, the school district must give at least two weeks written notice before a survey so parents can educate themselves about the questions posed and then decide if they wish to deny access to their children.

I believe this is positive legislation for our children. Thank you for your ongoing support of our future generations.

Bret Burton, MD, FAAP
9643 Nulato Cir
Eagle River, AK 99577
907.696.5535

Subject: HB 408

Date: Fri, 15 Feb 2002 07:45:21 -0900

From: "Rocky Plotnick" <rockyplotnick@earthlink.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

CC: <rocky@aklung.org>

Dear Representative Bunde-

This message is to express my strong support for HB 408. This change in Alaska Statute would allow the implementation of harmless youth/teen surveys which I think are crucial in order to obtain meaningful data. Especially as we continue in our efforts to reduce tobacco use and other risky behaviors, we need to be able to document our progress. Not only as a public health professional, but as the parent of a teenager, I support HB 408.

Sincerely,

Rocky Plotnick, MS, CHES (Rockelle)
P.O. Box 110923
Anchorage, Alaska 99511
907-346-2956

Subject: HB 408

Date: Fri, 15 Feb 2002 13:03:39 -0900

From: Ric Iannolino <converge@ptialaska.net>

To: Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde

I would like to urge you and the house of representative to pass HB 408. This bill to amend the current law that prevents schools and other child and youth related organizations from obtaining critical information from students in order to assist them. I understand that it was not intended to harm children but the effect of this law has been very destructive.

I am the chair of the **Youth on the Street** organization which is attempting to assist homeless youth in Juneau.

We need to document the extent, characteristics and conditions of homeless youth in Juneau. The McDowell Group designed a Homeless Youth Survey which we conducted in May of 1998. The purpose of the survey was to get information to make the public aware fo the problem of homeless youth.

We are trying to locate funding and support from national organizations through foundations and grants. We require accurate and reliable information which is not available at this time. We preparing to conduct another more extensive survey tool. We are aware that unless this bill is passed to amend the current law we may not be able to obtain the information required to obtain additional funding.

I urge you and the house of representatives to pass HB 408.

RE: PASSAGE OF HB 408

TO: Representatives Con Bunde, Beth Kerttula, Fred Dyson, ^{Bill Hudson} and the legislative committee considering passage of HB 408

FROM: Kathryn Arlen, owner "Mindmerger" public relations company; also a PR liaison for "Youth on the Streets" action group, an organization dedicated to the creation of transitional shelter and necessities for Juneau's homeless youth while also encouraging development of life skills and personal independence.

DATE: February 20, 2002

Ladies and Gentlemen:

I strongly urge the passage of HB 408. Amending the wording from "active" parental consent to "passive" would greatly facilitate the potential acquisition of firsthand information from our young people without violating parental rights and simultaneously encouraging our youths' participation in planning their own immediate futures with the knowledge that their voices can be heard.

FIRST: if the question of violating parents rights or concerns is an issue in the changing of this wording, that issue is easily solved by giving parents the option of refusal by MAKING THIS ABSOLUTELY CLEAR right up front and emphasizing they must return the signed form only if they do not wish their son or daughter to participate and giving them a clearly defined deadline within which to do so.

SECOND: students will then have the right to directly participate in any survey employing these guidelines if they so desire. They also will have the right of refusal. Though they may not yet be of legal age to do many things in adult society, like vote, marry, enlist, smoke, buy liquor, they do have the right simply by existing as citizens, no matter what their age, to exercise their right to freedom of speech and in a polite, civilized manner let their opinions and viewpoints be known, especially in areas affecting them.

If we do not know how young people feel, how can we best plan for their future, hopefully looking out for their best interests? If we have overlooked a problem that may have been solved by a simple "question and answer" exercise, whose fault is that? And consider, please, the psychological uplift, the vote of confidence we could be giving our youth by simply acknowledging we value their opinions.

THREE: Thus, armed with what could hopefully be more detailed and in-depth information, any of us in the adult world actively focusing on improving situations for our next generation can have a better shot at making a difference for them. This belief is now and always has been a generation to generation tradition in our society, and we owe it to our children to do the best possible job on their behalf.

Having directly observed and worked with young people in our community, including youths of both sexes in the detention side of Johnson Youth Center, I am seriously frightened by the bone-chilling stories I hear, and even more so by the attitudes with which they are told. Substance abuse, as I am sure many of us realize, is a formidable and critical issue. Therefore I myself am just now taking the initial steps towards obtaining a CDCI, substance abuse counselor, within the next few years, though the process of obtaining such a title is in itself a multi-faceted, challenging, uplifting and obviously neverending goal.

CLOSING ARGUMENT: By reversing State Law 14.03.110 requiring active parental consent, meaning they have to sign a form, (assuming they did not misplace it,) mail it back by a deadline time, in order for their son(s) or daughter(s) to participate in any given survey, questionnaire, etc. and, instead, implement a new law, i.e., as defined by HB 408, allowing their children to participate IF they so desire by simply not responding once said parents have been informed, we can now see how points 1, 2, and 3 mentioned above can evolve into a Win/Win/Win situation.

All this can therefore lead to:

- A) More accurate, thorough, pertinent data contributing towards
- B) More persuasive, better documented, inspired grant writing requesting
- C) Specific funding aimed at creating and promoting

3

D) Necessary, improved, expanding services for all our young people, perhaps (at this point) especially but definitely not limited to those at risk.

The prosecution rests. Thank you.

K.G.A.

Kathryn Grace Arlen
127 So. Franklin St., #312
Juneau, AK 99801
mindmerger@hotmail.com
(907) 586-1872

enc.

SURVEY FORM SUGGESTIONS

1. Make sure **IN THE VERY BEGINNING**, parents are clearly made aware that they need only return the form if they **DO NOT WISH** their child (children) to participate. It may also be prudent to include a space, lines, etc. asking them if they would care to explain why they have decided so. This information, i.e., refusal, may just in itself be helpful.
2. And make sure the deadline date **IS ALSO CLEARLY STATED, IN CAPS**.
3. But, of course, encourage parents to read through the form carefully, perhaps discussing it with their son, daughter, before making this decision. Just this encouraged discussion itself can be helpful.
4. And if both parent and child agree, include possibly a question or two (whatever the survey is for) that they can answer **TOGETHER**.

One last observation: think about how easy it is when you get something in the mail, you want to do whatever it is, order whatever it is, so on, but you misplace the form--you find it later, under the phone book, put in the wrong drawer, got mixed up with homework, the dog ate it, etc. (and God forbid it was your PFD application) and then realize the deadline has come and gone. This change from "active" to "passive" consent could take care of that situation, so long as it is **PERFECTLY CLEAR RIGHT AT THE BEGINNING** that parents are agreeing to their child's possible participation just by doing nothing. And that makes it so much easier.

Subject: HB408

Date: Mon, 18 Feb 2002 16:55:40 -0900

From: "JAHC" <jahc@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

This seems like a very practical bill to pass. We need to accurately assess students' needs. Please pass this legislation. Thank you

Sybil Davis
836 Calhoun Avenue
Juneau 99801

Subject: House Bill 408

Date: Fri, 15 Feb 2002 15:48:30 -0900

From: "Cindy Cashen" <ccashen-ncaddj@ak.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde,

I am in support of House Bill 408. I feel the current law prevents us from doing what needs done in order to take care of our youth: ask their opinion on issues which affect them.

This bill will allow parents who do not wish their child to participate to retain that right. It also recognizes the reality of the low number of parent consent forms which follow the desired path from school to student to parent and back to school. It just doesn't happen that often.

I have three children and it takes a lot energy to obtain a consent form from them. If I don't take time then the form will not get filled out and even then some of them don't make it back to the teacher/school. It's frustrating.

Please pass this bill so we may have a better idea of what is really happening in our children's lives.

Sincerely,
Cindy Cashen
3167 Pioneer Avenue
Juneau, AK 99801
907 586-3124h
463-2562

Subject: HB 408

Date: Fri, 15 Feb 2002 16:21:27 -0900

From: Ernie Mueller <Ernie_Mueller@ci.juneau.ak.us>

To: "representative_con_bunde@legis.state.ak.us" <Representative_Con_Bunde@legis.state.ak.us>

I understand that the House Special Committee on Education is considering HB 408 "An Act relating to questionnaires and surveys administered by the public schools"

This bill would permit public schools to administer questionnaires and surveys to those students whose parents have not denied permission for the student to participate.

Heretofore positive permission has been required for a student to participate in an anonymous survey or questionnaire. Positive permission is often difficult to secure because students and parents often do not understand the value of the questionnaire or survey and simply neglect to give permission .. or to return the permission form the student was given...

Today, most federal grant programs require that basic information about youth be part of the grant application. Under existing law requiring positive parental permission, valid information from a statistically representative sample of school students is virtually impossible to secure. As a result it is difficult, if not impossible, to design services to serve the needs of students, or to secure grants to plan and deliver these services.

In short, unless students can be asked, we don't know what they need. Under existing law, students can't be asked unless an enormous effort is taken to secure permission from parents.

I support HB 408. I have worked with youth programs throughout Alaska my entire adult life. Many of the programs I have worked with are research based..without the ability to gather information, we can't get the basic research needed to design programs or to find out whether they work or not..

Thank you for bringing this bill forward...

Ernie Mueller
Juneau

Subject: I support house bill 408

Date: Fri, 15 Feb 2002 23:07:03 +0000

From: "Monique Wheeler" <monique_wheeler@hotmail.com>

**To: Representative_Con_Bunde@legis.state.ak.us, Representative_Bill_Hudson@legis.state.ak.us,
Representative_Beth_Kerttula@legis.state.ak.us, Representative_Fred_Dyson@legis.state.ak.us**

My name is Monique Wheeler at I live at 348 West 12th Street in Juneau. I am writing to urge you to support house bill 408 which would educational institutions to collect data for statistical analysis.

Thank you,
moinque

Chat with friends online, try MSN Messenger: <http://messenger.msn.com>

Subject: Bill 408

Date: Sat, 16 Feb 2002 09:59:45 -0900

From: "Joyce/Shepherd" <lynn.shepherd@acsalaska.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Thank you for sponsoring Bill 408. Permitting anonymous surveys in schools will help educators, law enforcement, and public health officials as well as parents gain insights into youth attitudes and behaviors. AS 14.03.110 has hampered our ability to know the nature and extent of risky behaviors amongst youth by preventing administration of the Youth Risk Behavior Survey. The YRBS, when administered in the '90's, gave valuable information that resulted in the funding of prevention and counselling programs which have benefited my children and many others.

Please move forward with Bill 408.

Lynn Shepherd
3050 Douglas Highway
Juneau, AK 99801

Subject: HB 408 must pass

Date: Sat, 16 Feb 2002 01:28:02 +0800

From: "Kate Boesser" <kateboesser@mail.com>

To: Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde:

Please see that HB 408 passes quickly. I understand that even the original writer of the bill which made parental survey a must has decided to vote for HB 408!

I have taught in Chatham District for 8 years, and the past 2 1/2 years have been doing grant administration for drug and alcohol abuse prevention. You must understand that not only can teachers not make important decisions without survey information, but grants can not get funded without statistics. Education starts with evaluation, to see where we're at, what's working, what needs to happen. Surveys are an essential part of that evaluation.

An example is the ASSETS survey, and the SIG ACT survey, both of which give invaluable information regarding youth, substance abuse, and assets in the lives of youth. Without this bill, you are sharply curtailing our ability to help youth and work with where they're coming from. Parental knowledge is one thing..student ability to let us know how to work more effectively is another.

Please pass this bill now.

Sincerely,

Kate Boesser

PO Box 47

Gustavus, AK 99826

907-697-2282

Juneau connection: 586-1710

--

Sign-up for your own FREE Personalized E-mail at Mail.com
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Win a ski trip!

<http://www.nowcode.com/register.asp?affiliate=1net2phone3a>

Subject: Support for House Bill 408

Date: Wed, 20 Feb 2002 14:01:54 -0900

From: "Toni-Jo Dalman, Juneau School District, Juneau, AK" <dalmant@jsd.k12.ak.us>

To: Representative_Con_Bunde@legis.state.ak.us, Representative_Bill_Hudson@legis.state.ak.us,
Representative_Beth_Kerttula@legis.state.ak.us, Representative_Fred_Dyson@legis.state.ak.us

I would like to support passage of House Bill 408. This information allows our district and the many agencies serving children to make meaningful and relevant decisions about prevention and treatment programs needed and about their efficacy.

Thank you,

Toni-Jo Dalman

CS FOR HOUSE BILL NO. 408(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/11/02

Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON EDUCATION

A BILL

FOR AN ACT ENTITLED

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

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 14.03.110(a) is repealed and reenacted to read:

4 (a) A school district or an employee of a school district may not administer or
5 permit administration of a questionnaire or survey to a class or student that inquires
6 into personal or private family affairs of the student not a matter of public record or
7 subject to public observation, unless written permission is obtained from the student's
8 parent or legal guardian. This subsection does not apply to a questionnaire or survey
9 that is anonymous.

10 *** Sec. 2.** AS 14.03.110(b) is repealed and reenacted to read:

11 (b) If a school district administers an anonymous questionnaire or survey that
12 inquires into personal or private family affairs of a student not a matter of public
13 record or subject to public observation, even though written permission from a
14 student's parent or legal guardian is not required, the school district shall provide each
15 student's parent or legal guardian the opportunity to submit to the school principal a

1 written denial of permission to take the questionnaire or survey.

2 * **Sec. 3.** AS 14.03.110(c) is repealed and reenacted to read:

3 (c) For purposes of (a) and (b) of this section, the school district shall provide
4 a parent or legal guardian at least two weeks' written notice of the right to grant or to
5 deny permission to take the questionnaire or survey before administering the
6 questionnaire or survey.

7 * **Sec. 4.** AS 14.03.110(d) is repealed and reenacted to read:

8 (d) Written notice required to be given to a parent or guardian under this
9 section must include

10 (1) an opportunity to review the questionnaire or survey to be
11 administered;

12 (2) how the questionnaire or survey will be administered to the
13 student;

14 (3) how the results of the questionnaire or survey will be used;

15 (4) who will have access to the questionnaire or survey;

16 (5) how to submit written

17 (A) permission for the student's participation in a questionnaire
18 or survey, if required; or

19 (B) denial of permission to participate in a questionnaire or
20 survey, including an anonymous or specific questionnaire or survey.

21 * **Sec. 5.** AS 14.03.110(e) is amended to read:

22 (e) A student may refuse to participate in a questionnaire or survey
23 administered in a public school. A student's parent or legal guardian may refuse to
24 allow the student to participate in a specified questionnaire or survey by submitting to
25 the school principal a written denial of permission for the student's participation.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 408
(H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
Title: "An Act relating to questionnaires and surveys
administered in the public schools" BRU: Teaching and Learning Support
Sponsor: H EDU Component: Special and Supplemental
Requester: H EDU Services: _____
Component No. 166

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Currently, the law states that active parental permission is required before schools and districts can survey students anonymously. This bill would change the current legislation by allowing districts to gather passive parental permission before the administration of any anonymous surveys. This change would maximize the ability of school, district and state agencies to gather pertinent information about student reported behaviors that lead to early morbidity and mortality. By being able to gather credible data from students, many local and state agencies would have valid and reliable assessment data which in turn, would allow for better program planning and use of program dollars. This change would allow local and state agencies to compete effectively for limited state and federal grant funds that rely on accurate needs assessments.

Prepared by: Beth Shober, Education Specialist Phone 465-2887
Division: Teaching and Learning Support Date/Time 2/19/02 10:57 AM
Approved by: Ed McLain Date 2/19/2002
Agency: Education and Early Development

**Karen's Talking Points for HB 408
Second House HESS Hearing**

- Good afternoon. For the record, my name is Karen McCarthy, staff for Representative Con Bunde.
- This is a voluntary, anonymous survey. The data is required to receive federal grants to help prevent and combat risky behavior in young people.
- As the law is written, school districts and social services agencies are losing those grants. That puts kids at risk.
- The students most at risk for those behaviors are those whose parents are not involved in their kids' lives. Uninvolved parents do not return active consent forms.
- During the last hearing for this bill, I believe someone testified that a New Jersey court held such surveys to be against federal law. That's not quite accurate. The situation was quite different in New Jersey -- the survey was given with federal funds. The US District Court did not rule on the merits of the case. It only ruled that the lower court should have allowed discovery in the case and that some people named in the suit were not immune to lawsuit. **I have the US Dept. of Education's Family Policy Compliance Office guidance on federal law here for your review.**
- Kristen Bomengen, the attorney for DH&SS, or Jean Mischel, the attorney for DEED, may be available to answer any questions on this issue.
- Representative Bunde hopes you will move this bill out of committee today.

Re: Mr. Diebel's suggestions - I think Section 5 does what he suggests. Kristen Bomengen could best address this

~~Re: Mr. Astor's staff~~

Dyson	N
Wilson	y
Cissna	y
Joule	y
Stevens	y
Coghill	N
Kohring	N

Moved
4/9/02

→ What are the consequences if confidentiality is not kept.

→ Fed law says you can't be turned down for grants because of lack of parental consent.

Dyson - Arch. PTA ~~to~~ saying they were not consulted, & oppose passive consent, no requirement for how parents to be notified.



Protection of Pupil Rights Amendment (PPRA)

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) applies to programs that receive funding from the U.S. Department of Education (ED). PPRA is intended to protect the rights of parents and students in two ways:

- It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate; and
- It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:
 1. Political affiliations;
 2. Mental and psychological problems potentially embarrassing to the student and his/her family;
 3. Sex behavior and attitudes;
 4. Illegal, anti-social, self-incriminating and demeaning behavior;
 5. Critical appraisals of other individuals with whom respondents have close family relationships;
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
 7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or students who believe their rights under PPRA may have been violated may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred. For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339. Or you may contact us at the following address:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605**



This page last modified February 4, 2000 by gkp

Talking Points
CSHB 408, "Student Questionnaires and Surveys"

- Two years ago, the Legislature required that school districts receive permission slips from parents before administering the surveys that inquire into personal or private family matters. This was the "active consent" requirement. If districts did not receive permission from a parent, the survey could not be administered to that child.
- HB 408 would change that requirement to allow school districts to administer anonymous questionnaires and surveys, like the Youth Risk Behavior Survey, based on parents' passive consent.
- School districts have found the "active consent" requirement makes it is very expensive, time consuming, and next-to-impossible to get enough permission slips to make the survey data useful.
- The response rate goal for this survey is 60%. In 1995 and 1999, before active consent was required, the response rates were 64% and 66% respectively. With the active consent requirement, the response rate last year was 29%.
- As a result, school district and social services programs that focus on preventing youth risk behaviors have been unable to justify grant requests or effectively evaluate the programs they provide. This situation puts kids at risk. *a grants*
- There is a CS before you. The only change from the original version is that it includes the phrase, "that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation." This language appears in current statute and was inadvertently left out of HB 408.
- This is a voluntary survey, not mandatory. This bill would still protect the rights of parents and students to refuse to participate in surveys they find troublesome. Districts would still be required to give parents two-weeks' notice of the survey, provide a copy of it, and tell them how it would be administered, how the results would be used, who will have access to it, and how to submit denial of permission.
- This bill is supported by, among others:
 - the Association of Alaska School Boards
 - the Anchorage School District and School Board
 - Safe and Drug Free Schools
 - Southeast Alaska Regional Health Consortium
 - Alaskans for Tobacco-Free Kids
 - American Heart Association
 - National Council on Alcoholism and Drug Dependence
 - South East Regional Resource Center
 - And a host of other social service providers
- For specific questions about this bill, I encourage you to call on the expertise of:
 - Elmer Lindstrom of H&SS
 - Terri Campbell from the Dept. of Education
 - Carol Comeau of the Anchorage School District and
 - Andie Stone, the district's legal advisor
- I urge your adoption of the CS and your support for this bill.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

State Capitol
Juneau, AK 99801-1182
(800) 892-4843 (907) 465-4843 (phone)
(907) 465-3871 (fax)
Representative_Con_Bunde@legis.state.ak.us

Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joubert
Gretchen Guess

MEMORANDUM

DATE: March 22, 2002

TO: House Health, Education, and Social Services Committee

FROM: Representative Con Bunde, Chair

RE: HB 408, "An Act relating to questionnaires and surveys administered in the public schools."

Committee members have this info.

How HB 408 Would Change Current Law Regarding Student Surveys

Explanation of the Changes by Section

Section 1: Changes current law to allow an anonymous questionnaire or survey to be administered without prior written permission (active consent) of the parent or legal guardian.

Section 2: Requires school districts to give parents and legal guardians the opportunity to deny permission for an anonymous survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though prior written permission is not required.

Section 3: Requires that school districts provide parents and legal guardians at least two weeks' written notice of their right to grant or deny permission, whether the questionnaire/survey is anonymous or not.

Section 4: Adds the requirements that written notice given by school districts to parents and guardians must: provide an opportunity to review the questionnaire/survey and provide instructions on how to submit written permission or denial of permission. Restates the requirements in current law that the notice must also: tell parents and guardians how the questionnaire/survey will be administered; how results will be used; and who will have access to the questionnaire/survey.

Section 5: Retains provision in current law that students may refuse to participate in a questionnaire or survey and that a parent or legal guardian may refuse permission for their child. Adds the direction that parents and legal guardians may refuse permission by submitting a written denial of permission to the school principal.

Please see attached page for comparison of current law and proposed changes.

Comparison of Current Law with HB 408's Proposed Changes

Sec. 14.03.110. Questionnaires and surveys administered in public schools.

Section 1.

[(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether 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 obtained from the student's parent or legal guardian.]

(a) A school district or an employee of a school district may not administer or permit administration of a questionnaire or survey to a class or student 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 obtained from the student's parent or legal guardian. This subsection does not apply to a questionnaire or survey that is anonymous.

Section 2.

[(b) For an anonymous questionnaire or survey written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.]

(b) If a school district administers an anonymous questionnaire or survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though written permission from a student's parent or legal guardian is not required, the school district shall provide each student's parent or legal guardian the opportunity to submit to the school principal a written denial of permission to take the questionnaire or survey.

Section 3.

[(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.]

(c) For purposes of (a) and (b) of this section, the school district shall provide a parent or legal guardian at least two weeks' written notice of the right to grant or to deny permission to take the questionnaire or survey before administering the questionnaire or survey.

Section 4.

[(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding

(1) how the questionnaire or survey will be administered to the student;

(2) how the results of the survey or questionnaire will be used; and

(3) who will have access to the questionnaire or survey.]

(d) Written notice required to be given to a parent or guardian under this section must include

(1) an opportunity to review the questionnaire or survey to be administered;

(2) how the questionnaire or survey will be administered to the student;

(3) how the results of the questionnaire or survey will be used;

(4) who will have access to the questionnaire or survey;

(5) how to submit written

(A) permission for the student's participation in a questionnaire or survey, if required; or

(B) denial of permission to participate in a questionnaire or survey, including an anonymous or specific questionnaire or survey.

Section 5.

(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey/. by submitting to the school principal a written denial of permission for the student's participation.

22-LS1458\C

Ford

3/21/02

*adopted
H HES
3/26/02*

CS FOR HOUSE BILL NO. 408()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON EDUCATION

A BILL**FOR AN ACT ENTITLED**

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

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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7 subject to public observation, unless written permission is obtained from the student's
8 parent or legal guardian. This subsection does not apply to a questionnaire or survey
9 that is anonymous.

10 * **Sec. 2.** AS 14.03.110(b) is repealed and reenacted to read:

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12 inquires into personal or private family affairs of a student not a matter of public
13 record or subject to public observation, even though written permission from a
14 student's parent or legal guardian is not required, the school district shall provide each
15 student's parent or legal guardian the opportunity to submit to the school principal a

1 written denial of permission to take the questionnaire or survey.

2 * Sec. 3. AS 14.03.110(c) is repealed and reenacted to read:

3 (c) For purposes of (a) and (b) of this section, the school district shall provide
4 a parent or legal guardian at least two weeks' written notice of the right to grant or to
5 deny permission to take the questionnaire or survey before administering the
6 questionnaire or survey.

7 * Sec. 4. AS 14.03.110(d) is repealed and reenacted to read:

8 (d) Written notice required to be given to a parent or guardian under this
9 section must include

10 (1) an opportunity to review the questionnaire or survey to be
11 administered;

12 (2) how the questionnaire or survey will be administered to the
13 student;

14 (3) how the results of the questionnaire or survey will be used;

15 (4) who will have access to the questionnaire or survey;

16 (5) how to submit written

17 (A) permission for the student's participation in a questionnaire
18 or survey, if required; or

19 (B) denial of permission to participate in a questionnaire or
20 survey, including an anonymous or specific questionnaire or survey.

21 * Sec. 5. AS 14.03.110(e) is amended to read:

22 (e) A student may refuse to participate in a questionnaire or survey
23 administered in a public school. A student's parent or legal guardian may refuse to
24 allow the student to participate in a specified questionnaire or survey by submitting to
25 the school principal a written denial of permission for the student's participation.

Subject: HB 408 and FERPA

Date: Tue, 09 Apr 2002 09:41:47 -0800

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: jessica boyer <jessica_boyer@legis.state.ak.us>

CC: Elmer A Lindstrom <elmer_lindstrom@health.state.ak.us>,
Terri F Campbell <terri_campbell@eed.state.ak.us>

Con- Jesse works for Guess
They got an inquiry about
this "from another office."

FYI

Jesse:

Thank you for calling me re: the woman who testified against HB 408 and the New Jersey case.

DEED sent me the following information some time ago:

"Question:

Does the YRBS contradict the Protection of Pupil Rights (also known as the Buckley Amendment) and the Family Educational Rights and Privacy Act of 1974 (FERPA)?

Answer:

Each of these federal laws is specific in its protection of a student's rights and privacy when information is part of a student's educational record or when a student is required to participate in a project where personal information is revealed. Both are tied to the United States Department of Education and are relevant to any survey conducted and paid for with those funds. The US DoE neither conducts the YRBS nor are US DoE funds used to pay the expense of the survey. Additionally, these laws relate to surveys that are required and when the results will be placed in the student's record. Neither is the case with the YRBS. Schools who choose to participate in YRBS are not in violation of federal laws protecting student's rights and privacy because YRBS is anonymous and voluntary."

My view of the situation:

The woman who testified before House HESS a couple of weeks ago re: a court case in New Jersey had her facts wrong. She testified, if I recall correctly, that a New Jersey court found a New Jersey school district had violated FERPA by giving a test similar to the YRBS, implied that the situation was the same as in Alaska, and said we'd be in violation of federal law if we didn't require active consent. (Deb Spencer at House Records has the tape of the meeting if you want to listen to it.)

First, the situation in New Jersey was entirely different. The New Jersey school district used federal funds for a survey in which at least some students believed participation was mandatory. However, the order to remand the case back to district court was based on the plaintiff's inability to conduct discovery and that the named parties in the suit actually could be sued. It does not appear to deal with the merits of the case. The US District Court's opinion can be found at
<http://www.eagleforum.org/educate/2002/jan02/ridgewood.shtml>.

I hope this helps. If you want to chat with DEED's lawyer, she is Jean Mischel. She can be reached at 465-3600.

Karen

7 to one
active refusal

April 4, 2002

Attn: Deo Hubbard

Dear Deo,

I was surprised when per our telephone conversation you indicated that Superintendent Comeau had input from parents on HB 408. As President of Anchorage Council of PTAs for the past two years it has been my understanding that Anchorage Council of PTAs is normally informed by the Anchorage School District when seeking parental input on such matters. In the past Anchorage Council of PTAs has been opposed to a passive parental permission for surveys conducted in our district. Some of our concerns expressed in the past have included problems with anonymity for the students, invasion of privacy issues, and suggestive questions that could actually harm our students by giving them ideas on ways to commit harmful actions. We would welcome the chance to review and make recommendations on HB 408 if given the opportunity.

Sincerely,

Carol A. Bushnell, President
Anchorage Council of PTAs

CAROL, THIS WENT TO DYSON!

Jam

Current Law Regarding Surveys in Public Schools

Sec. 14.03.110. Questionnaires and surveys administered in public schools.

(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether 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 obtained from the student's parent or legal guardian.

(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.

(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.

(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding

(1) how the questionnaire or survey will be administered to the student;

(2) how the results of the survey or questionnaire will be used; and

(3) who will have access to the questionnaire or survey.

e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.

(f) In this section, "questionnaire or survey" means a list of questions to, or information collected from, a class or group of students.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

State Capitol
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Representative_Con_Bunde@legis.state.ak.us

Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joule
Gretchen Guess

MEMORANDUM

DATE: February 22, 2002

TO: Representative Fred Dyson
Chair, House HESS Committee

FROM: Representative Con Bunde, Chair

RE: HB 408, "Student Questionnaires and Surveys"

I respectfully request that you schedule a hearing for HB 408 at your earliest possible convenience. I have attached copies of the bill, sponsor statement, sectional analysis, fiscal note, backup information and letters of support.

If you have any questions or concerns about this legislation, I would be happy to discuss them with you.

Thank you for your consideration of this request.

Education Week

American Education's Newspaper of Record

February 27, 2002

New Student-Survey Policy Worries Some Researchers

By Debra Viadero
Education Week

When Linda Rogowski got hold of the survey that Barker, N.Y., school officials were planning to administer to students in her daughter's middle school, she was horrified.

"Have you ever had sexual intercourse ('gone all the way,' 'made love')?" the survey asked. "How often do you binge eat (eat a lot of food in a short period of time) and then make yourself throw up or use laxatives to get rid of the food you have eaten?"

research
page

Besides intruding on her family's privacy, such questions might put ideas into the head of her impressionable 11-year-old, Ms. Rogowski worried.

"Some students might start to feel some of these behaviors are normal," the upstate New York mother said.

The New

A Closer Look

Such concerns are at the heart of a little-publicized provision of the newly revised Elementary and Secondary Education Act, signed into law by President Bush last month. The legislation requires school districts to formulate policies for notifying parents—and for protecting families' privacy—when students are asked to take part in surveys that contain questions about their sexual activities, their political beliefs and religious practices, and a variety of other sensitive topics.

Researchers are afraid, though, that the provision could cripple some of what they do in schools.

"Schools are really the best place where we get a window on what's going on in adolescents' lives," said Lloyd D. Johnston, the principal investigator for the "Monitoring the Future" program, a federally financed study intended to take a national pulse on students' drug use each year. "It's just as important for parents as it is for researchers to have good information."

Policymakers have debated for decades how to strike the right balance between the interests of science and the privacy rights of individual parents and students. A federal law passed in 1974, for example, requires that all proposals for federally subsidized studies involving human subjects be screened by institutional review boards, most of which are based at universities. Made up of scientists and community members, the boards determine whether the research meets ethical standards and federal guidelines.

Con - I sent this to Terri & Elmer in case other legislators see the article K.

The bar is even higher for studies underwritten by the U.S. Department of Education. Under a 1994 amendment to the Pupil Privacy Protection Act, school districts planning to use department funds to give students surveys containing personal questions have to get parents' permission first.

AK doesn't use federal funds.

More recently, a new state law in New Jersey extended the same requirement to any sensitive survey research taking place in that state's public schools. ("N.J. Requires Permission for Student Surveys," Jan. 23, 2002.) Researchers say it's not that they're against letting parents know that their children are being asked personal questions. It's all in how parents are notified.

The standard procedure is for schools to ask parents to let them know if they want their children to opt out of a survey—a mechanism known as "active dissent" or "passive consent." Both the New Jersey law and the law governing research financed by the federal Education Department, in contrast, require schools to obtain parents' written permission or "active consent" before students can take part.

The fear is that the new federal law, while not specifying one form of consent or another, will prompt more school districts to choose the latter.

"Just because the federal government isn't imposing a written-consent requirement doesn't mean that most school districts won't," said Patricia C. Kobor, a senior science-policy analyst with the Washington-based American Psychological Association. "With all this conservative attention on the issue, schools are going to give the benefit of the doubt to parents."

Conservative groups active on family issues have long been especially vocal in advocating parents' right to exempt children from surveys on sensitive topics.

Getting It in Writing

Scholars say the problem with "active consent" requirements is that many parents—typically, 20 percent to 30 percent, according to studies—fail to return the permission forms. That can wreak havoc with researchers' study samples and cause investigators to drop some schools with particularly meager response rates from their research altogether.

"Most parents don't object at all. They just don't send the form back," said Ms. Kobor, who led a coalition of national research and education groups that has been active on the issue.

With the opt-out forms, in comparison, only 1 percent to 2 percent of parents decline to let their children participate.

"We also know those are not random percentage points that get lost" in the active-consent process, added Mr. Johnston, who is a distinguished research scientist at the University of Michigan in Ann Arbor. His own studies suggest that the students who fail to return their forms disproportionately come from high-risk homes or minority families—the groups researchers often need to study the most.

Opt-Out Option

The opt-out technique doesn't, however, satisfy parents such as Ms. Rogowski, who oppose the surveys.

"I think some parents are afraid to opt out for fear their kid might be singled out," she says. "I would like parents to be able to write, 'No, I don't give permission,' or 'Yes, I give permission.' "

In the end, officials in Ms. Rogowski's district, the Barker Central schools, decided to drop 6th graders from their survey sample and give the survey only to 8th and 10th graders. Stephen J. La Rock, the superintendent of the rural, 1,200-student district, said parents were notified three times and given a choice of opting out.

The survey that caused concerns in that community is published by the Search Institute, a nonprofit organization in Minneapolis. Taken anonymously, the survey is intended to give communities baseline data on teenagers' needs, strengths, and problems.

The same questionnaire ignited parent protests two years ago in Ridgewood, N.J., where the matter is the subject of an ongoing court battle.

At the national level, Ms. Rogowski's views are echoed by the organizations that have led the decades-long movement to erect more privacy protections around school-based research.

"It's been our belief that parents know best how to introduce sensitive subjects to children," said Kristina Twitty, an education policy analyst for Eagle Forum, a Washington- and Illinois-based group active in that effort. "Parents know better than the Centers for Disease Control or the National Institutes of Health how to address these issues with their children."

To the Eagle Forum and like-minded groups, the new parent-notification provision in the "No Child Left Behind" Act renewing the ESEA represents a "half a loaf."

Earlier versions of the bill, much like the New Jersey law, would have been more restrictive, requiring written parental consent before doing any kind of survey research involving personal and controversial topics. Groups such as the Eagle Forum wanted to keep it that way.

The law now specifies only that "at a minimum," parents should have the option of keeping their children out of studies.

Besides questions about students' sexual behavior, political beliefs, and religious practices, queries that focus on illegal actions or mental or physical problems could trigger the parental-notification requirements in the new federal law. And questions that critically appraise people with close ties to a student's family also raise a red flag.

The law now requires schools to let parents know when they collect or disclose personal information on students for commercial purposes, or when they plan to conduct certain types of medical procedures. Parents would not have to be notified beforehand, however, when students take part in studies aimed at developing or evaluating educational programs

or practices.

The legislation's exact requirements won't be completely clear until the federal government issues more formal guidelines in the months ahead.

Researchers note with some irony that the new requirements come at a time when federal policymakers are calling for big improvements in the quality of educational research, according to Gerald E. Sroufe, the interim executive director of the 23,000-member, Washington-based American Educational Research Association.

"This is going to make doing that kind of research even more difficult," he said.

PHOTOS: Linda Rogowski, with daughter Randi Lyn Hubbard, 11, was shocked at intimate questions on a school survey. She says schools should get parents' permission for such research.
—Don Heupel for Education Week

© 2001 Editorial Projects in Education Vol 21, number 24, page 8

Bill Analysis: HB 408

Bill Title: "Student Questionnaires and Surveys"

Sponsor: House Special Committee on Education (for the Dept. of Health & Social Services and the Department of Education and Early Development)

Bill Would:

- 1) Allows students to be given anonymous questionnaires as long as the parents or guardians don't object. Parents/guardians may refuse permission.
- 2) Allows students to refuse on their own to answer particular questions or take part in the survey.
- 3) Requires that parents/guardians be notified of the survey two weeks before it's conducted and requires the notice to provide information about the survey.

Possible Questions:

- 1) Does the Youth Risk Behavior Study come under any federal requirements, such as the Protection of Pupil Rights legislation or the Family Educational Rights and Privacy Act? (no)
- 2) Who constructs the questions that are included in this survey? (federal government)
- 3) How is student privacy protected?
- 4) In what way did the active parental consent requirement affect local school districts' ability to compare their youth risk behaviors with the rest of the state and the country? (Before, 28-30 districts participated. After, 12-14 participated and only 4 got useful data.)

Available to Testify:

- 1) Elmer Lindstrom, Dept. of Health & Social Services
- 2) Beth Shober, Health Education Specialist from DEED
- 3) Cyndy Curran, Teacher Certification, DEED
- 4) Debbie Ossiander, Anchorage School Board (by offnet)
- 5) Bethel School District
- 6) Kathryn Arlen, Youth on the Streets, Juneau

Teleconference Sites:

Wrangell, Kotzebue, Kodiak and Anchorage.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE BUNDE

TO; HB 408

Page 1, line 5, following "survey":

Insert "that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation"

Page 1, lines 7 and 8, following "anonymous":

Delete "or concerns a matter of public record or public observation"

Page 1, line 11:

Delete ","

Insert "that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though"

Page 1, line 11:

Delete "but"

Page 2, line 16, following "survey":

Insert ", if required"

Post-It® Fax Note	7671	Date	3-21	# of pages	1
To	Mike Ford	From	Karen		
Co./Dept.	Legal	Co.	Rep Bunde		
Phone #		Phone #	3881		
Fax #	2450	Fax #			