

HB

2017

ALASKA STATE LEGISLATURE

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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT House Bill 207

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

HB 207 changes the parental consent requirements for surveys in schools from active to passive for anonymous surveys.

School-based surveys are a reliable method for gathering valuable population based information on youth that helps policy makers, educators, program planners and parents to better understand important health and social issues that affect their chances of success.

Routine standardized surveys such as the national and state Youth Risk Behavior Survey track trends over time and help guide and evaluate important health and prevention programs. State and federal grant programs that 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.

Active parental consent requires written permission to opt in to participate in the survey. Active parental consent overburdens the school system and drastically increases the costs and labor involved in conducting student surveys. Though research and experience suggests that the vast majority of parents would consent to their students participating in such surveys, many schools are unable to use the data they collect because there are not enough participants. Most of the research indicates parental failures to provide written permission are driven by apathy, oversight, or student error, not by refusal. Passive parental consent notifies and informs the parents about the nature of the surveys and allows for parents to provide a written refusal to opt out of the survey.

Notification of surveys and their content will still be sent to every parent of a child that is a candidate participant in the survey. A parent will have the option of reviewing the entire survey and how it will be administered before it is administered. Any parent who doesn't want their child to participate will have the option to opt-out.



YRBSS

Youth Risk Behavior Surveillance System

What is the Youth Risk Behavior Surveillance System (YRBSS)?

The YRBSS was developed in 1990 to monitor priority health risk behaviors that contribute markedly to the leading causes of death, disability, and social problems among youth and adults in the United States. These behaviors, often established during childhood and early adolescence, include

- Tobacco use.
- Unhealthy dietary behaviors.
- Inadequate physical activity.
- Alcohol and other drug use.
- Sexual behaviors that contribute to unintended pregnancy and sexually transmitted diseases, including HIV infection.
- Behaviors that contribute to unintentional injuries and violence.

What are the purposes of the YRBSS?

The YRBSS was designed to

- Determine the prevalence of health risk behaviors.
- Assess whether health risk behaviors increase, decrease, or stay the same over time.
- Examine the co-occurrence of health risk behaviors.
- Provide comparable national, state, and local data.
- Provide comparable data among subpopulations of youth.
- Monitor progress toward achieving the Healthy People 2010 objectives and other program indicators.

What are the components of the YRBSS?

The YRBSS includes national, state, and local school-based surveys of representative samples of 9th through 12th grade students. These surveys are conducted every two years, usually during the spring semester. The national survey, conducted by CDC, provides data representative of high school students in public and private schools in the United States. The state and local surveys, conducted by departments of health and education, provide data representative of public high school students in each state or local school district.

The YRBSS also includes additional national surveys conducted by CDC:

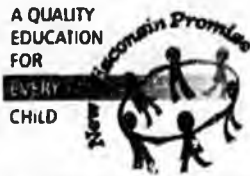
- The Youth Risk Behavior Survey, conducted in 1992 as a follow back to the National Health Interview Survey among nearly 11,000 persons aged 12-21 years.
- The National College Health Risk Behavior Survey, conducted in 1995 among a representative sample of about 5,000 undergraduate students.
- The National Alternative High School Youth Risk Behavior Survey, conducted in 1998 among a representative sample of almost 9,000 students in alternative high schools.
- A series of methodological studies conducted in 1992, 2000, 2002, and 2004 to improve the quality and interpretation of the YRBSS data.

Where can I get more information? Visit <http://www.cdc.gov/yrbss> or call 800-CDC-INFO (800-232-4636).



DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION





ESEA Information Update

Wisconsin Department of Public Instruction/Elizabeth Burmaster, State Superintendent, P.O. Box 7841/Madison, WI 53707-7841

Bulletin No. 02.14

Created: April 11, 2003

Updated: August 4, 2003

Topic: Student Surveys

In January 2002, the Protection of Pupil Rights Amendment (PPRA) was amended by the Elementary and Secondary Education Act of 2001 (also known as the No Child Left Behind Act). The amendment added an additional category (religious practices, affiliations, or beliefs of the student or student's parent) to the existing categories that impact student surveys and made minor changes to the existing seven categories. If a survey contains one or more of the identified categories, schools and contractors must protect student privacy and give parents the right to inspect the survey. The eight categories are:

1. Political affiliations or beliefs of the student or the student's parent
2. Mental and psychological problems of the student or the student's family;
3. Sex behavior or attitudes
4. Illegal, anti-social, self-incriminating, or 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
7. Religious practices, affiliations, or beliefs of the student or student's parent
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

A local educational agency (LEA) that receives funds under any U.S. Department of Education program is required to develop and adopt policies, in consultation with parents, concerning student privacy. The policies relating to surveying of students must address:

- The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students, and procedures for granting a parent request to access the survey within a reasonable period of time after the request is received
- Arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey if the survey contains one or more of the eight categories of information noted above.

However, an LEA is not required to develop and adopt new policies if it has in place -- and did so on the date of enactment of the Elementary and Secondary Education Act of 2001 -- policies covering the requirements set forth in the law.

LEAs must directly notify parents of these policies, and at a minimum, they shall provide the notice at least annually, at the beginning of the school year. Also, an LEA shall notify parents

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within a reasonable period of time if any substantive change is made to the policies. In the notification, the LEA shall:

- Provide an opportunity for parents to opt out of (remove their child from) participation in the administration of any survey containing one or more of the eight categories of information noted above, and
- Provide parents with the specific or approximate dates during the school year when the surveys are scheduled.

Confusion often exists about prior written parental consent, also known as "active" parental permission, and if it is required before a student may participate in a survey that asks for personal information described in PPRA (e.g., sexual behavior, illegal or antisocial behavior, and mental or psychological problems). Examples of common surveys used in Wisconsin that collect personal information are the Youth Risk Behavior Survey (YRBS) and the Search Institute Profiles of Student Life: Attitudes and Behaviors. Currently, PPRA only requires active parental permission before minor students are required to participate in any survey, funded in whole or in part by the U.S. Department of Education that reveals information concerning one or more of the eight categories noted above. Most student surveys administered in Wisconsin, such as the YRBS, are voluntary, and if administered properly (students are instructed on the voluntary nature), active parental permission is not required and "passive" parental permission is allowable. "Passive" means the parent is provided an opportunity to opt out of (remove the child from) participation. The district may assume parental consent if they hear no timely objection from the parent.

Specific questions related to this bulletin should be directed to:

Doug White, Director
Student Services/Prevention and Wellness Team
(608) 266-5198
douglas.white@dpi.state.wi.us

References:

1. U.S. Department of Education, Family Policy Compliance Office, (2002). Hot topics: Recent changes affecting FERPA & PPRA. (http://www.ed.gov/offices/OM/fpcp/hot_topics/ht_10-28-02.html) Washington, D.C.
2. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Adolescent School Health, (2002). Parental Permission: Conducting a successful Youth Risk Behavior Survey (YRBS) with Active Parental Permission. Atlanta, GA.

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Archive: Action Alert for School Based Research

YOUR HELP NEEDED

Action Alert for School-based Research Threats

January 30, 2002

Dear Colleagues:

You may be aware that APA has worked in coalition with a number of science, education and public health organizations to protect the ability of scientists to conduct research in schools without having an absolute requirement of prior, written parental consent. Due to our advocacy efforts on the recent education reform legislation ("Leave No Child Behind"), the federal government has not imposed a written consent standard. However, the legislation does require school districts to establish policies on privacy that extend to in-school surveys about risk behaviors and attitudes. Thus, the focus of our concern must expand from the federal level to the state and local levels. You may have read that the state of New Jersey has recently approved legislation requiring prior, written parental consent for in-school surveys. Below is a Washington Times story in which several prominent researchers are quoted about the New Jersey law. We are interested in your reaction to these developments. Please contact me directly if you have questions or concerns.

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All that schools survey
Cheryl Wetzstein
THE WASHINGTON TIMES
Published 1/29/2002

Have you ever had sexual intercourse ('gone all the way, made love')? As of this month, students in New Jersey public schools can't be asked this kind of personal question on a survey without their parents' prior written consent. The Jan. 9 law enacting this change has been hailed as a victory for privacy rights of parents and their children and something that should be adopted nationally. Researchers, however, say the law is "excessive" and will jeopardize important research into teen behavior. There has long been a tug-of-war over student surveys in schools. Researchers agree that schools are the ideal place to survey teens and have typically addressed the need for parental consent with a technique called "passive consent," "active dissent" or "opt out."

With this technique, schools inform parents of an upcoming survey and ask them to tell the school if they don't want their children to take it — parents must "actively dissent" or "opt out." If the school doesn't hear from the parents, it assumes it has their "passive consent" to give the survey to their children.

The New Jersey law requires "active consent," which means parents must tell the school that their children can take a survey. If parents don't say yes, their children cannot participate in any school survey that asks questions about politics, sex, drugs and other personal issues. The law stems from a battle over a 156-question survey that was given in 1999 to more than 2,000 public middle- and high-school students in Ridgewood, N.J. The survey asked teens about sexual activity, birth control, drugs, liquor, cigarettes, binge eating, depression, suicide, stealing, physical violence, and relationships with family and friends. School officials said they notified parents several times about the survey but did not seek parental consent because the survey was voluntary. Many Ridgewood parents were outraged by the survey, saying it introduced children to bad behaviors, invaded family privacy and instilled a politically liberal worldview.

"The questions were so politically correct," said Ridgewood mother Frances Edwards, noting that students were asked to assess their feelings about race relations, poverty and "speaking up for equality." Amid a lengthy battle — which includes an ongoing lawsuit — New Jersey officials passed their law, which was hailed as a "great victory for parents" by Phyllis Schlafly, founder of the Eagle Forum. "The school system is just obsessed with giving these nosy questionnaires," Mrs. Schlafly said. Schools shouldn't use valuable classroom time on social surveys, but if they do, they should all require active parental consent, she said.

"Now in New Jersey, there will be one state where the parents will not always lose," said Michael Schwartz, vice president for government relations at Concerned Women for America, which supports parental rights in surveys.

Getting active parental consent for student surveys is "analogous to doing medical research," Mr. Schwartz said. Medical research can only be

conducted on people who consent to it, he said. "Why in the world would we think you can do research on children without their parents' knowledge and consent?" Shepherd Smith, president of the Institute for Youth Development, which publishes a journal on teen behaviors, is "empathetic to both sides" in the issue.

"Clearly as a parent, I'm not real excited about intrusive surveys in high school," he said. "At the same time, I understand that the data gained in these surveys is critically important to ultimately reducing the negative behaviors."

Supporters of the N.J. law "may have won a Pyrrhic victory," said Lloyd D. Johnston, director of the Monitoring the Future (MTF) survey. The federally funded MTF, founded in 1975, goes into 400 schools every year to ask eighth, 10th and 12th graders about their substance abuse and other behaviors. MTF uses active dissent in almost all its schools, said Mr. Johnston, who works at the Institute for Social Research at the University of Michigan.

In the few schools that require active consent, he said, MTF researchers have found that many parents don't return the consent form — "they didn't open their mail or get around to answering it," Mr. Johnston said. As a result, as many as 30 percent of students are excluded from taking the MTF survey, even though, based on deeper research, fewer than 2 percent of parents actually object to the survey. The loss of so many students "skews the findings in a serious and important way," Mr. Johnston said. "Parents, more than anyone, stand to benefit from our having this knowledge," he said, noting that the MTF helped alert the nation to expanding marijuana use in the 1970s, cocaine use in the 1980s and ecstasy use in the 1990s.

"So I'm not sure the interests of parents are being well-served, even though it's in their name that these efforts are taken," he said.

"I have yet to hear someone come up with an alternative approach to getting data other than asking the question," said Sarah Brown, director of the National Campaign to Prevent Teen Pregnancy. Parental concerns about sensitive surveys of young teens are reasonable and should be addressed, perhaps with opt-out techniques, said Mrs. Brown. But there are compelling public health concerns that require data about teen behavior that have to be addressed as well, she said.

It's difficult to ask teens questions about topics such as oral sex, and yet "every time there's something in the paper, we get hysterical calls asking isn't it true that all the middle schoolers are having oral sex?" "And I have to say, 'Well, I actually don't have any information. All I have is anecdotes,'" Mrs. Brown said. "I see [the N.J. law] as excessive," said Michael D. Resnick, a pediatrics professor at the University of Minnesota and researcher with the National Longitudinal Study of Adolescent Health (Add Health). "The vast majority of parents are all right [with surveys] as long as they are informed," he said, citing his two decades of experience in researching teen behavior.

Add Health, which tracks the same teens, requires written prior consent, said Mr. Resnick. It also uses laptop computers for privacy and question control — when teens say they have had sex or used cocaine, they are asked more questions about those subjects. But if they say they haven't had sex or used drugs, the computer program immediately moves them to new topic.

Such computer-assisted surveys are becoming more popular and may resolve a lot of the concerns about survey content, Mr. Resnick said.

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When: Annually at start of school year.

Who: Any Title-funded schools and districts.

Sample Parental Permission Forms (Passive and Active) for Student Surveys

PASSIVE Parental Permission Form

Our school is taking part in the 2003 Youth Risk Behavior Survey sponsored by [name of state or local agency]. The research survey will ask about the health behaviors of 9th through 12th grade students. The survey will ask about nutrition, physical activity, injuries, tobacco, alcohol, and other drug use. It also will ask about sexual behaviors that cause AIDS, other sexually transmitted diseases, and pregnancy.

Students will be asked to fill out a questionnaire that takes about 45 minutes to complete.

Doing this paper and pencil survey will cause little or no risk to your child. The only potential risk is that some students might find certain questions to be sensitive. The survey has been designed to protect your child's privacy. Students will not put their names on the survey. Also, no school or student will ever be mentioned by name in a report of the results. Your child will get no benefit right away from taking part in the survey. However, the results of this survey will help children in the future. We would like all selected students to take part in the survey, **but the survey is voluntary**. No action will be taken against the school, you, or your child, if your child does not take part. Students can skip any question that they do not wish to answer. In addition, students may stop participating in the survey at any point without penalty.

Please read the section below. If you do **not** want your child to take part in the survey, check the box and return the form to the school no later than [Date]. Please see the other side of this form for more facts about the survey. If your child's teacher or principal cannot answer your questions about the survey, call [name of state or local agency contact] at [phone number]. Thank you.

Child's name: _____ Grade: _____

I have read this form and know what the survey is about.

My child may **not** take part in this survey.

Parent's signature: _____

Date: _____

Phone number: _____

GUIDELINES FOR PASSIVE CONSENT

Based on recent change to state law,¹ CDE has determined that under certain circumstances LEAs conducting the California Healthy Kids Survey (CHKS) have the option of using passive parental consent, rather than active (written) consent as previously required.² Under passive-consent procedures, parents/guardians inform the school only if they *don't want* their child to participate in a study (opt out).³ To adopt passive consent, the following conditions must be met:

- The survey is limited to grades 7 through 12. Passive consent cannot be used below grade 7.⁴
- It is anonymous, confidential, and voluntary. Active consent must still be used if respondent data are linked to a respondent's name in any form or manner, such as in longitudinal tracked surveys.
- The school board formally adopts, in consultation with parents, a written passive consent policy for the administration of the CHKS (and any other survey or test) consistent with California Education Code sections 51513 and 51938(b) and the federal Protection of Pupil Rights Act (PPRA), 20 USC 1232h.
- Parents/guardians are notified in writing at the beginning of the school year about the survey and when it is to be administered, and given a reasonable opportunity to review the survey and to decline their child's participation (opt out).
- Parents/guardians are notified of any substantive changes in survey policies, dates, or content that occur after the initial notification.
- The parental notice contains all the required elements specified in the CHKS Guidebook for protection of human subjects and in the federal Protection of Pupil Rights Act.
- Questions are not added to the survey that elicit reports of parental attitudes or behaviors or any other category that requires active consent under Ed Code 51513 but not exempted under Ed Code 51938.

The following guidelines are designed to help you determine whether you should switch from written to passive consent and the steps you should take if you decide to make the change.

Benefits of Passive Consent

- Passive consent involves less cost and labor, particularly for the classroom teacher.
- If you have *not* been successful in meeting your target sample using written consent, passive consent will likely increase your response rates.
- Research also suggests that passive consent will result in a more representative sample, as many hard-to-reach subgroups, including groups at high-risk of substance use and other problem behaviors, are underrepresented in written consent surveys.⁵

¹ See Education Code 51938(b), which stipulates: "Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions about the pupil's attitudes concerning or practices relating to sex may be administered to any pupil in grades 7 to 12, inclusive, if the parent or guardian is notified in writing that this test, questionnaire, or survey is to be administered and the pupil's parent or guardian is given the opportunity to review the test, questionnaire, or survey and to request in writing that his or her child not participate."

² Written consent requirements and strategies are detailed in the CHKS Guidebook, available online at www.wested.or/hks.

³ As described in the CHKS Guidebook, under active-consent procedures parents must confirm in writing that they consent or not, usually by signing and returning a form. If a form is not returned, it must be assumed that parental permission is not granted.

⁴ Education Code 51938(b) authorizes passive consent only for grades 7 through 12 (see note 1).

Considerations for Changing from Active to Passive Consent

- **Written consent provides extra protection** against surveying a student whose parents did not receive notification or did not approve of participation but failed to inform the school. This extra protection may be important if risk behavior surveys are a sensitive issue in your community.
- If passive consent reduces the burden on the classroom teacher, **schools must take special precautions** to demonstrate that they made every reasonable effort possible to inform parents about the survey (and any subsequent changes) and to give them opportunities to opt out.
- If your sample changes (e.g., becomes more representative), it will **complicate interpretation of current trends**. Did student behavior change or the sample? Most research suggests reported AOD use will increase. WestEd will provide talking points to address this issue.
- **If you have been meeting your target response rates using written consent**, you might want to continue using it to avoid the issues listed above, especially if your district will still need to use written consent with 5th grade.

Recommendations for Passive Consent Implementation

Survey procedures must ensure that parents receive the consent materials, pay attention to them, and have sufficient time and opportunities to refuse participation. To assure PPRA compliance and reduce the risk of inadvertently surveying a child without parent permission, we recommend the following:

- **Stress that survey participation is voluntary in all communications.** This is a key requirement for the use of passive consent procedures in the PPRA. Notify students in writing and verbally (before survey administration) that they have the right to decline participation and to not answer any question that makes them uncomfortable. Make sure nothing is done that might cause a student to feel uncomfortable if he doesn't want to participate.
- **Send all consent information and forms via a method that guarantees receipt**, such as by mail. Preferably, use a method that documents receipt. For example, the information can be put into a parent handbook that the parent signs for.
- **Use multiple contact techniques.** Do everything possible to insure parents receive notification.
- **Make sure all materials are language appropriate** for parents with limited English reading ability.⁶
- **Make disapproval notification convenient.** Again, use multiple venues: a written form that can be turned into a teacher, a phone number to call, or email address. Each channel should reach a single person or office, identified in district policies, responsible for monitoring consent. This will help avoid parent refusals from slipping through the cracks.
- **Document** all your efforts to notify parents.

*For more information about consent procedures,
call your regional CHKS advisor at 888.841.7536.*

⁵ The application of active-consent procedures to anonymous, voluntary surveys with rigorous data safeguards and minimal risks to students—such as the CHKS—has been criticized for jeopardizing access to essential information by imposing overly rigid, stringent, and costly consent procedures.

⁶ CDE policy is that, in addition to English, notification must also be in each primary language other than English where 15 percent of the students speak that primary language.

Best Practices

QS2 Offers Districts Assistance & Training in the following areas

Leadership

- Board Development, Best Standards
- Advisory Board Development
- Administrative Plans & Cash Budgeting
- Fiscal Development & Monitoring

Programs and Staff

- Standards/Curricula (Elementary, Intermediate/Secondary)
- Professional Development
- Program Evaluation
- Staff Evaluation/Teacher Standards
- Business Partnerships

Community, Parents, and Students

- School Involvement
- Community Engagement
- School Safety Initiatives

Resources

- Internal Auditing
- Internal Performance
- Quality Control Tools and Techniques
- Risk Mitigation
- Strategic Management



Who is AASB?

The Association of Alaska School Boards is a non-profit organization that serves as a source of assistance, information, and liaison for school boards and the districts they represent.

QS2 Formation

The QS2 service is guided by the Association of Alaska School Boards with contributions and a broad base of support from education and community leaders throughout Alaska. AASB and district partners are learning as the service matures. From the beginning many supportive organizations and individuals helped create the vision for QS2. The following organizations were directly involved: Northwest Regional Education Laboratory, Alaska Department of Education and Early Development, Alaska Staff Development Network, Alaska Center for Excellence in Schools, and the University of Alaska.

Costs & Resources

QS2 is available to districts ready to show a 3-year commitment to the full service, including strategic planning. AASB provides direct services as well as contracted services by consultants agreed to by the district. The cost will vary depending upon the needs of the individual district.

AASB is continually seeking grant and foundation support to assist districts with finding resources in addition to their own contribution of local human and financial resources. Currently participating partner districts benefit from a federal grant, Alaska Initiative for Community Engagement (Alaska ICE). This grant provides significant support to assist partner districts in achieving greater community, parent, and student involvement and commitment. AASB views such broad base support as key to improving the achievement of all students.

Investing in Alaska's Future



**Supporting Student Learning
Building on Standards-Based Learning,
Engaged Communities, and Involved Students**

**ASSOCIATION OF
ALASKA
SCHOOL BOARDS**
Advocates for Alaska's Youth

Best Practices

Leadership



Programs and Staff



Community, Parents, and Students



Resources



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Investing in Alaska's Future



Supporting Student Learning
Building on Standards-Based Learning,
Engaged Communities, and Involved Students

ASSOCIATION OF
ALASKA
SCHOOL BOARDS
Advocates for Alaska's Youth



Linking a Shared Vision with Successful Practices

Taking Aim on Results

Where the School Is Vs. Where the Student Needs To Be.

Out of necessity, most Alaskan schools are engaged in reform at many levels. Quality Schools/Quality Students (QS2) is designed to support school districts in promoting high achievement for all students by focusing effort on:

- Determining a common vision and system wide plan of action
- Promoting community ownership and engagement
- Building staff, school board, and community capacity
- Examining current student achievement
- Redirecting and securing resources
- Holding systems accountable for results.

What is QS2?

QS2 is a comprehensive school improvement service that will assist school districts and their local communities in raising student achievement to meet or exceed state standards by linking a shared vision for education with successful practices. Central to QS2 is the facilitation of a strategic planning process that brings a broad spectrum of the community together to create the shared vision. It brings all efforts under one umbrella using the quality management principles of the continuous improvement cycle - Plan, Implement, Evaluate, Refine. QS2 efforts focus on the broad areas:

- Leadership
- Programs and Staff
- Community, Parent, and Student Engagement
- Resources

Participating Districts

QS2 Benefits from Alaska ICE

How QS2 Works

District Application

Districts were invited to apply for QS2 through a Request for Information (RFI) process. The RFI was distributed to all school districts in Alaska. The RFI was completed and returned to the Association of Alaska School Boards.

Applications were reviewed and ranked. The top ranked districts were invited to participate in QS2. The RFI process was completed in February 2001.

District Inventory

QS2 staff conducted a district inventory to determine the current status of each district. The inventory was completed in March 2001. The inventory was used to determine the needs of each district and to develop a strategic plan for each district.

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Implementing Best Practices

QS2 staff worked with districts to identify and implement best practices. The best practices were identified through a process of district self-assessment and peer review. The best practices were implemented in the fall of 2001.

Photo credit: Bruce Johnson - Director of Quality Schools/Quality Students



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Newsletter : Issue 11 (04/2006 - 07/2006) : FAQs - Conducting In-School Surveys

FAQs - Conducting In-School Surveys Written by Tasha Snyder, Agricultural Sciences

The school setting is an optimal location to survey large numbers of students for research projects. Before planning a data collection study, however, it is important to be aware of federal guidelines and policies that contain regulations relevant for researchers conducting in-school studies of youth. These guidelines have implications for sampling, the informed consent process, and survey content.

Q: What federal regulations should I be aware of before planning an in-school study of youth?

A: The two key federal regulations you need to be familiar with are the Family Education Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). Both federal regulations apply to any institution receiving funds from the U.S. Department of Education.

FERPA

Initially signed into law in 1974, FERPA regulations are periodically updated, most recently under the No Child Left Behind Act of 2001. The main function of FERPA is to protect parent's rights regarding inspection and modification of their child's educational records. Under FERPA regulations parents have the right to inspect their child's educational records, request a correction to any errors in those records, and **parent's written permission must be sought before releasing their child's educational records.** Schools may release limited contact information for students (name, address, phone number, attendance record, date and place of birth, honors and awards) without written parental permission, but parents must be notified of these requests and given the opportunity to request that their child's information not be released.



PPRA

Part of the FERPA and No Child Left Behind legislation, PPRA is designed to protect parent's and pupil's rights regarding inspection of any materials - as part of the instructional curriculum or study instruments - to which students are exposed. Instructional and survey materials must be made available for parents to review, and **schools must obtain written parental consent before their minor students participate in any study that asks about the following:**

- political affiliations or beliefs of the student or student's parents;
- mental and psychological problems that are potentially embarrassing to the student and/or his or her family;
- sexual behaviors and attitudes;
- illegal, antisocial, self incriminating and demeaning behavior;
- critical appraisals of family members;
- legally protected relationships, such as those with lawyers, clergy and physicians;
- religious practices or beliefs of the student or student's parents; or
- income

Under PPRA schools are required to develop and adopt policies in conjunction with parents regarding their rights to inspect research surveys and instructional materials, protect students' privacy related to the eight items noted above, administering physical exams to students, and collecting student information intended to be used for marketing purposes. In addition, parents must be made aware in advance of dates when data collection studies will occur and of their rights to withdraw their children from participating in any study that asks about the eight items listed above, any marketing surveys, and any non-emergency physical exam or screening.

For a complete description of the FERPA and PPRA regulations, recent Supreme Court rulings, and a history of the legislation, see the following urls:

http://personalinfomediary.com/FERPA_info.htm
<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-28-02.html>

Q: What are the implications of the FERPA and PERPA regulations for the design, sampling, and implementation of my in-school study?

A: There are two main implications for study design and implementation. First, the content of your survey largely determines the level of parental consent required. In-school studies with surveys that contain sensitive questions related to any of the eight items described above must first provide parents full information about the study and survey content and then obtain written parental consent before a student can participate in the study. Surveys that contain more benign questions might not require active written parental consent but rather "passive" consent where parents are notified of the study, usually at least 2-3 weeks in advance, and reply to deny consent, rather than provide it. This type of scenario is addressed on a case-by-case basis by the IRB. Regardless though, all parents must be notified of the dates when data collection will occur so they can choose to withdraw their child from the study, even after giving written parental permission to participate.

Second, the level of consent required has important implications for the representativeness of your sample and can introduce sample bias into your study. Findings from several recent studies consistently highlight how sampling bias is introduced into research involving youth when active written parental consent is required (Dent, Galaif, Sussman, Stacy, Burton and Flay 1993; Ellickson and Hawes 1989; Esbensen, Miller, Taylor, He and Freng 1999; Henry, Smith and Hopkins 2002). Two studies in particular, Esbensen et al. (1999) and Henry et al. (2002), compare samples from the same population involving active written parental consent with those involving passive parental consent and document how response rates are affected and bias is introduced.



Esbensen et al. (1999) collected data from 7th grade students in six U.S. cities and employed a sampling design that used passive parental consent for their pre-test wave of data collection, and then were required to obtain active parental consent for a subsequent wave of data collection on the same sample. This design provides a unique opportunity to compare the two samples of the same population, and determine how passive and active parental consent procedures differentially impact sample selectivity. Regarding response rates, in their pre-test survey, where passive parental consent was used, only 13 of the 2,496 eligible 7th grade students (0.4%) could not participate because their parents denied consent. When active parental consent was required for their first wave of data collection the response rate and sample size of their study were considerably reduced. Between 23% and 45% of youth did not participate in the study, depending on the site, due to non-response from the parents. Extensive follow-up of non-respondents found that 78% of the parents subsequently provided consent for their child to participate in the study, and 22% refused to provide consent. This suggests that non-response indicates passive

acceptance rather than being synonymous with refusal. Thus, the active written parental consent process that is required by PPRA could result in an unnecessarily large non-response rate, preventing students from participating in studies.

Regarding sample bias, Esbensen et al. (1999) provide strong evidence that the characteristics of the students whose parents did not respond were different from those whose parents responded, thus introducing bias into their sample. Comparing the pre-test sample with the sample of responders to the active parental consent, including those who allowed their children to participate and those who did not, revealed that the sample of responders was more likely to be white, to come from intact homes (two married parents), and to have parents with more than a high school education. In addition, parents of "at-risk" youth (positive attitudes towards and engagement in delinquent behaviors) were less likely to return consent forms at all. This study documents a selection bias introduced by the active parental consent procedure, and recommends that a mailing be sent home to parents notifying them of the study, and that the parents be given 2-3 weeks to deny their child's participation in the study, after which time period the consent is implied.

More recently, similar findings were reported when Henry et al. (2002) conducted an in-school study of 7th grade students in nine school districts in rural Pennsylvania. Active written parental consent was required for all students participating in their study, however, the project was able to access secondary data on several student characteristics for all eligible students--including GPA and absence from school--which allowed them to determine whether and how their sample was biased on these important characteristics. This study further made comparisons between the consent, non-consent, and non-response groups and determined not only if bias was introduced into their sample, but whether it originated from the non-consent group, the non-response group, or both. Findings revealed that the students whose parents declined their consent did not differ significantly from those whose parents provided consent, but that the students with non-responding parents did differ significantly from those who consented on two key educational variables. The students whose parents provided consent had fewer days of school absence and higher grade point averages compared to the students with non-responding parents. Thus, comparisons of the three groups (consenters, decliners, and non responders) find that the students eliminated from the study because of the lack of permission due to non-responders is the source of sample bias, not the presence of decliners. The result is that the Henry et al. (2002) sample represents students who are less "at-risk" for poor outcomes, thus introducing sample bias.

Both of these studies employed the numerous strategies suggested to increase return rates for active written parental consent. **These strategies include designing effective informational and consent forms, working with key school personnel, multiple mailings to parents, providing rewards for classrooms that have high return rates (such as pizza or ice cream parties), and following up with non-responders** (Esbensen et al., 1999; Fletcher and Hunter, 2003; Henry et al., 2002). Even though these strategies were implemented, both studies report biased samples due to the high degree of non-response associated with written active parental consent procedures.

Q: Yikes! So, what's a child and youth researcher planning to use in-school data collection to do?

A: Well, there really isn't much you can do to completely avoid sampling bias with in-school youth surveys of sensitive topics where active written parental consent is required. The FERPA and PPRA regulations were developed and instituted with the goal of protecting the rights and privacy of parents and students, not to promote easier access to students for research purposes.

Following the suggestions outlined above will help reduce bias in your study. Also keep in mind that sampling bias is an issue for most primary data collection studies.

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1998 Alaska Statute

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

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 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 guardian.

1999 Alaska Statute

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(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.