

SB

101

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/6/09

FURTHER: Health and Social Services

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/18/09

Education Committee considered SENATE BILL NO. 101

SB 101 STUDENT QUESTIONNAIRES AND SURVEYS

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

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

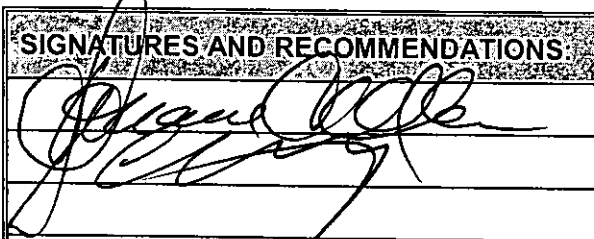
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
EED	3/6/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	David Muggins			✓	
CHAIR: <u>Bettye Davis</u>	DAVIS	✓			

Alaska State Legislature

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Senator_Betty_Davis@legis.state.ak.us
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Senator Bettye Davis

Senate Bill 101, 26-LS0524\A

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

Sponsor Statement

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

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

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

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

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

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

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

Alaska State Legislature

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Senator_Bettye_Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

Senate Bill 101, 26-LS0524\A

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

Sectional Summary

Note: this sectional summary should not be considered an authoritative interpretation of the bill, as the bill itself is the best statement of its contents.

Section 1. Amends AS 14.03.110(a) to require a school district to obtain written permission to administer a questionnaire or survey, anonymous or not, with the exception of the Youth Risk Behavior Survey, as provided in Section 4 in new subsection AS 14.03.110(g).

Section 2. Repeals and reenacts AS 14.03.110(d) to require a school district provide to a student's parent or legal guardian written notice of a questionnaire or survey with detailed information as to the date, contents, sponsor, contacts at the school district, opportunity to review the questionnaire or survey, description of how to submit written permission or denial of permission to participate, including an anonymous or specific questionnaire or survey.

Section 3. Amends AS 14.03.110(e) to allow a student to participate but to refuse to "answer specific questions." Subsection (e) also requires that a parent or legal guardian may refuse to allow the student to participate in a specific questionnaire or survey "by submitting to the teacher or school principal a written denial of permission for the student's participation."

Section 4. Adds a new subsection AS 14.03.110(g) which provides that if a school district administers the Youth Risk Behavior Survey provided by the United States Centers for Disease Control and Prevention, written permission of the student's parent or legal guardian is not required, but the school district shall provide parents notice of the survey and the opportunity to submit to the teacher or school principal a written denial of permission to take the survey.

Note: Subsections AS 14.03.110(b) and (c) remain unchanged as to annual permission and two weeks notice for anonymous surveys under (b), and written permission and two weeks notice for surveys which are not anonymous under (c).

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB 101
Bill Version: _____
() Publish Date: _____

Identifier (file name): SB101-EED-ESS-3-06-09

Dept. Affected: EED

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

RDU Teaching & Learning Support

Component School & Student Achievement

Sponsor Sen. Davis
Requester Senate Education Committee

Component Number 2796

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
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	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE		(Thousands of Dollars)						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact on the Department of Education and Early Development.

Prepared by: Paul Prussing, Deputy Director
Division: Teaching & Learning Support
Approved by: Larry LeDoux
Commissioner

Phone 465-8721
Date/Time 3/6/09 12:00 AM
Date 3/6/2009

(c) Nothing in this section limits the ability of a peace officer, chief administrative officer, or other appropriate person, acting in compliance with local, state, or federal laws, to search a locker or other container provided in a public or private school by the school district. (§ 5 ch 33 SLA 1995)

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. (§ 1 ch 23 SLA 1979; am §§ 1, 2 ch 63 SLA 1999)

Opinions of attorney general. — AS 14.03.110 — Behavior Risk Survey does not impermissibly invade the domain of the student's private 'family' affairs. September 28, 1998 Op. Att'y Gen. (Issued before 1999 amendment to this section.)

As long as survey questions are limited to the student's own activities and the survey does not ask the student questions about parents or other activities occurring within a student's home, the 1997 Youth

Sec. 14.03.115. Access to school records by parent, foster parent, or guardian.

Upon request of a parent, foster parent, or guardian of a child under 18 years of age who is currently or was previously enrolled in a municipal school district or a school district that is a regional educational attendance area, the school district shall provide a copy of the child's record. This section does not apply to

- (1) a record of a child who is an emancipated minor; or
- (2) record information that consists of the child's address if the school district determines that the release of the child's address poses a threat to the health or safety of the child. (§ 1 ch 36 SLA 1999)

Sec. 14.03.120. Education planning; reports. (a) A district shall annually file with the department, and make available to the public, a report that

- (1) establishes district goals and priorities for improving education in the district;
- (2) includes a plan for achieving district goals and priorities; and



Healthy Alaska

Youth Risk Behavior Survey (YRBS) Nationally and in Alaska

January 2007

Inside This Issue:

- YRBS - Nationally
- YRBS - How Can This Short Survey Collect Vital Behavioral Information We Need?
- YRBS - How it Works
- YRBS - The Value
- Alaska's YRBS

Dear PAT
An Overwhelming Opportunity
SE Alaska Regional
Conference on Fetal
Alcohol Spectrum
Disorders (FASD)

January 25-27, 2007
Centennial Hall
Juneau, Alaska

Registration Deadline
January 16, 2007. Any
questions regarding
registration contact
Robbi Wolring at 907-
723-7556 or
fasdconference@yahoo.
com

Brain Booster



Question:

Make this equation
correct without changing
the numbers: $8 + 8 = 91$

YRBS - Nationally

The Youth Risk Behavior Survey (YRBS) is the largest and most respected source of data on the youth risk behaviors that contribute to the leading causes of mortality, morbidity, and social problems in the US. The YRBS was created by the Division of Adolescent School Health, Center for Disease Control, and representatives from more than 800 local, state, and federal health agencies in 1990. The YRBS measures behaviors that fall into the following 6 categories: Behaviors that result in unintentional injuries and violence, tobacco use, alcohol and other drug use, sexual behaviors that result in HIV infection, other STDs, and unintended pregnancies, dietary behaviors, physical activity.

YRBS- How Can This Short Survey Collect the Vital Behavioral Information We Need?

Amazingly, nationally 71% of all deaths for persons 10-24 years of age are due to only 4 causes: motor vehicle crashes, other unintentional injuries, homicide, and suicide. In addition, 800,000-900,000 teenaged girls become pregnant each year and an estimated 3 million STDs occur among persons ages 10-19. A limited number of behaviors usually established during youth contribute substantially to these causes of mortality and morbidity. These behaviors include: carrying a weapon, physical fighting, attempting suicide, drinking or using drugs while operating a motor vehicle, lack of seatbelt use while riding in a motor vehicle, lack of helmet use while riding a bicycle, and unprotected sexual intercourse that results in HIV infection, other STDs, or unintended pregnancies.

The Youth Risk Behavior Survey also surveys youth on the leading causes of adult morbidity and mortality as many individuals initiate the risk behaviors that lead to problems as adults in their adolescence. Among adults in the US aged 25 and older, 63% of deaths are due to only 2 causes: cardiovascular disease and cancer. A limited number of causes contribute to these health problems. These behaviors include: use of tobacco, unhealthy dietary behaviors, and physical inactivity.

YRBS - How it Works

The YRBS is administered in a collection of randomly drawn sample schools from nearly every state every other year. The survey is administered to high school aged students in a single class period and is completely anonymous. Some school districts choose to survey all of their high school students to better understand and measure risk behaviors in their communities. Strict precautions are in place to absolutely insure student confidentiality and participation in the survey is completely voluntary. Students answer the multiple choice questions about their current and past risk behaviors, which are collected and sent to the state for processing. State results are then shared federally with CDC.

YRBS - The Value

The YRBS results have tremendous value at the national, state, and local level. Results allow health and educational professionals to track the prevalence of youth risk behaviors over time, to compare their state to other states or to the nation, and even to empower local communities to measure themselves compared to the rest of the state. Understanding the extent to which youth practice health risk behaviors is critical for developing programs that address risk behaviors practiced in their jurisdiction and for measuring progress toward program goals. YRBS results also help with focusing school health education teacher training and instructional programs, supporting health-related legislation, and seeking funding for school health programs.

Alaska's YRBS

Alaska managed to collect enough student responses to the YRBS to get usable data twice since it began administering the survey in 1995. CDC determined that at least 60% of students in the selected sample must complete the survey for it to accurately represent student behavior across the entire state. Alaska was able to get 60% or more responses in 1995 and in 2003. In 2005, Alaska missed achieving an adequate response rate and was unable to use the data. Every effort is being made for a successful survey in 2007.

Here is a sample of Alaska 2003 YRBS data:

- 11.8% of high school boys reported carrying a weapon to school in the last 30 days
- 38.7% of high school students reported drinking alcohol in the last 30 days
- 47.5% of high school students reported having ever used marijuana
- 1 in 4 high school students reporting driving in a vehicle with a driver who drank alcohol in the last 30 days
- 1 in 5 high school girls reported seriously considering suicide in the last 12 months

For more information visit <http://www.hss.state.ak.us/dph/chronic/school/pubs/YRBSreport2003.pdf>.

Brain Booster

Answer:

Look at the equation upside down: $16 = 8 + 8$

Fundamentals of HIV Prevention Counseling Training

February 12 & 13, 2007
Anchorage, Alaska

The training is designed for HIV test counselors, substance abuse counselors, mental health clinicians, and others responsible for HIV prevention counseling. If you have any questions, please contact Carl Aronson at (907) 269-8055.

SUBSCRIBE

To subscribe directly to our newsletter, visit us at www.eed.state.ak.us/tls/schoolhealth/subscribe.htm

FEEDBACK

We are looking for feedback! If there are any changes you would like to see made and/or suggestions for content of the newsletter, please send them to Sarah Schaal at sarah_schaal@eed.state.ak.us

School Health Partners:



www.eed.state.ak.us/tls/schoolhealth/



www.hss.state.ak.us/dph/chronic/school/default.htm

DEAR PAT,

I am a health teacher who recently heard that Alaska has a law that requires parental consent for youth health surveys at school. I occasionally utilize classroom surveys with my students and now am concerned if I am following protocol. Is this true, and if so, what should I do?
Signed, Alarmed in ABC School

Dear Alarmed in ABC School,

Alaska has had a law, AS 14.03.110, since 1999 that prohibits schools from administering surveys or questionnaires at public schools that inquire into personal or family affairs, or anything else that is not a matter of public record or readily observable in public (regardless of whether or not the surveys are anonymous and voluntary) without first getting written permission from all participating students' parents or legal guardians. This type of requirement is known as active parental consent.

According to the Centers for Disease Control Alaska is one of two or three states in the nation that has a school survey law requiring active parental consent for surveys that are anonymous and voluntary. Most states employ passive parental consent when administering such surveys. Under this system, written notice is sent out to parents informing them of the upcoming survey and the types of questions it will ask, and then permission to participate is assumed unless parents or students indicate otherwise. With passive parental consent all students and parents can decline to participate at any point in the process.

Classroom teachers need to be aware of this law as it applies to small informal surveys teachers may want to include in their instruction as well as to national surveys like the YRBS. Many teachers are surprised to learn of this law and its requirements, and are forced to revisit some of their current instructional assignments and practices to avoid violations. Teachers should check with their school administrators for further guidance.

Addressing active consent is a controversial topic. Advantages to active parental consent are greater parental involvement and less risk of students being included in surveys without parental approval. Disadvantages of active parental consent include the drastically increased costs and labor involved in conducting student surveys, the high failure rates for getting enough student responses to get usable data for larger surveys, the potential for leading to inaccurate/misrepresentative data, the research suggesting that the vast majority of parents consent to their students participating in such surveys, and that most parental failures to provide written permission are driven by apathy, oversight, or student error, not by refusal.

As a health teacher you can do several things to support collections of important health data for local, state and national use. First you can communicate with your site administrator to see if consent for surveys is built into your school's annual parental enrollment packet. Second, you can incorporate lessons on the YRBS into your curriculum, highlighting its findings and its importance. Student health projects could focus on raising community awareness and support for the YRBS and other youth risk behavior surveys. Finally, some students could choose to research Alaska's law around surveys in schools and its current effects on Alaska's youth risk behavior data collection efforts.

***Much of the information in this edition comes from CDC's 2005 Handbook for Conducting YRBS Surveys.

OR CALL 800-CDC-INFO (800-232-4636)
VISIT WWW.CDC.GOV/HEALTHYOUTH
WHERE CAN I GET MORE INFORMATION?



Division of Adolescent and School Health



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



**DIVISION OF ADOLESCENT
AND SCHOOL HEALTH (DASH)**



Summary of Surveillance* Activities

Division of Adolescent and School Health



	Youth Risk Behavior Surveillance System (YRBSS)			School Health Policies and Program Study (SHPPS)	School Health Profiles (Profiles)
	National	State/Territorial/Tribal/District	Other		
Purpose	<ul style="list-style-type: none"> To determine the prevalence of health-risk behaviors among students To assess trends in these behaviors To examine the co-occurrence of health-risk behaviors 			To provide national data on eight components of a school health program at the state, school district, school, and classroom levels	To provide data on school health policies and practices at schools among states, territories, tribal governments, and large urban school districts
Content	<ul style="list-style-type: none"> Unintentional injuries and violence Tobacco use Alcohol and other drug use Sexual behaviors that contribute to unintended pregnancy and sexually transmitted diseases, including HIV infection Unhealthy dietary behaviors Physical inactivity 			<ul style="list-style-type: none"> Health education Physical education and activity Health services Mental health and social services Nutrition services Healthy and safe school environment Faculty and staff health promotion Family and community involvement 	<ul style="list-style-type: none"> School health education requirements and content Physical education requirements Health services Nutrition-related policies and practices Family and community involvement in school health programs School health policies on HIV and AIDS prevention, tobacco-use prevention, and physical activity Professional preparation and staff development for lead health education teachers
Sample	Nationally representative sample of public and private high school students	Representative sample of public high school students in each jurisdiction	Representative sample of students in: <ul style="list-style-type: none"> Middle schools Alternative schools Juvenile justice facilities 	<ul style="list-style-type: none"> All states Nationally representative sample of school districts Nationally representative sample of public and private elementary schools, middle schools and high schools 	Representative sample of public middle schools and high schools in a state, territory, tribal government, or school district
Methods	Self-administered paper-and-pencil questionnaire, conducted in classrooms			Computer-assisted telephone and personal interviews and self-administered, mailed questionnaires	Self-administered, mailed questionnaires
Timing	Biennially, since 1991		Varied	Every 6 years, since 1994	Biennially, since 1994
Example Statements	In 2007, 57.3% of Hispanic female high school students in the U.S. attended physical education classes on 1 or more days in an average week when they were in school.	In 2007, 24.4% of female high school students in Kentucky attended physical education classes on 1 or more days in an average week when they were in school.	In 2007, 87.4% of middle school students in Wyoming attended physical education classes on 1 or more days in an average week when they were in school.	<p>State: In 2006, 70.5% of states required districts or schools to follow national or state physical education standards or guidelines.</p> <p>District: In 2006, 68.9% of districts had someone oversee or coordinate physical education.</p> <p>School: In 2006, 78.3% of schools required students to take some physical education.</p>	In 2006, 60.1% of secondary schools in Alabama required students to take 2 or more physical education courses.
Ownership of Data	CDC	States, territories, tribal governments and districts	Varied	CDC	States, territories, tribal governments, and districts
Contractor	ORC Macro	Westat, Inc., plus companies hired by states, territories, tribal governments, and districts	Varied	ORC Macro	Westat, Inc., plus companies hired by states, territories, tribal governments, and districts
Web Site	www.cdc.gov/yrbs			www.cdc.gov/shpps	www.cdc.gov/healthyouth/profiles

*Surveillance is the ongoing collection, analysis, and interpretation of data from generalizable samples.



Print

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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. 20202-5920**

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Last Modified: 02/17/2005

Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)—
 1. Political affiliations or beliefs of the student or student's parent;
 2. Mental or psychological problems of the student or student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- *Receive notice and an opportunity to opt a student out of*—
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- *Inspect*, upon request and before administration or use —
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

[School District will/has develop[ed] and adopt[ed]] policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District]** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **[School District]** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **[School District]** will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

IMPORTANT RIGHTS FOR PARENTS CONCERNING STUDENT SURVEYS

The Federal Protection of Pupil Rights Amendment (PPRA), 20 U.S.C § 1232h, requires the Anchorage School District to notify you and obtain consent to allow your child to participate in certain school activities. These activities include a student survey, analysis or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

The Alaska State Statute and Anchorage School District Board policy also have requirements regarding surveys that require parental consent.

By Alaska State Statute, AS 14.03.110:

Parental permission is required for surveys that inquire into personal or private family affairs of the student not a matter of public record or subject to public observation.

- Parents/guardians may provide "blanket" permission, once per year, for their student to participate in anonymous surveys requiring parental consent.
- For any survey that is not anonymous and requires parental consent, the District will obtain the written permission from the student's parent or guardian at least two weeks before the survey is administered.
- In addition, for all surveys requiring permission, parents will be provided notice and an opportunity to review the survey at least two weeks in advance of the administration of the survey.

By District Board policy:

1. Each year, the District may seek the annual permission of each parent/guardian for their child to participate in anonymous surveys.
2. For those surveys that are not anonymous and require parental permission, the District shall provide a permission form to be returned by the parents/guardians and the permission form must be returned at least two weeks before the administration of the survey.

2008-2009 Surveys

For surveys that require notice to parents/guardians, the notice will be provided through your school newsletter. At this time, three surveys are planned that require parental permission: the Youth Risk Behavior Survey, the Aggressors Victims and Bystanders Survey, and the National Indian Education Study Survey. All of these surveys are anonymous.

1. Youth Risk Behavior Survey (YRBS)
Dates: January – March, 2009
Grades: Nine through Twelve

2. Aggressors Victims and Bystanders Survey (AVB)

Dates: September – December, 2008

Grades: Seven

3. National Indian Education Study (NIES) Survey

Dates: January – March, 2009

Grades: Four and Eight/Alaska Native/American Indian Students Only

By signing the following Annual Survey Permission Form, your student may participate in these surveys. For surveys scheduled after the school year starts, the Anchorage School District will provide parents/guardians at least two weeks notice prior to the administration of the surveys. Notification will come to your through your school newsletter and will advise you of your opportunity to review the surveys.

The following surveys do not require parental permission. The District will provide notice through your school's newsletter at least two weeks prior to the administration of the surveys.

1. Climate and Connectedness Student Survey

Dates: January, 2009

Grades: Three through Twelve

2. EEOC – Athletic Interest Survey

Dates: October 6 – 30, 2008

Grades: Eight through Twelve

ANNUAL SURVEY PERMISSION FORM
2008-2009 School Year

I understand that the Anchorage School District may administer, or permit to be administered, anonymous surveys that require parental permission. I understand that as the parent or legal guardian of this student, I may review any of the survey instruments and determine the appropriateness of the survey in relation to my student. I can remove my student from the survey administration.

Printed name of student: _____

School: _____

Student ID: _____

Grade for 2008-2009 school year: _____

Printed name of parent/legal guardian: _____

Signature of parent/legal guardian: _____

I give my approval to administer anonymous surveys to my child this year. I understand that anonymous surveys may inquire into private matters, as explained in the Important Rights for Parents Concerning Student Surveys. I understand that I may review the survey to be given no less than two weeks prior to administration, and I may remove my child at that time if I wish. I further understand that I may revoke this annual permission at any time.

I do not give my approval to administer any anonymous survey that inquires into personal or private family affairs of the student to my child during the 2008-2009 school year.

Thomas Obermeyer

From: Friedman_Jeff [Friedman_Jeff@asdk12.org]
Sent: Monday, March 09, 2009 8:43 AM
To: Sen. Bettye Davis
Cc: Sen. Charlie Huggins; Sen. Donny Olson; Sen. Gary Stevens; Comeau_Carol; Siegfried_Robin; Steiner_John
Subject: SB 101

Dear Vice Chair Davis and Education Committee Members:

I am writing to urge your support for SB 101 which relates to questionnaires and surveys.

SB 101 returns Alaska Schools to an opt out procedure for conducting the Youth Risk Behavior Survey from the United States Centers for Disease Control and Prevention. This is a completely anonymous survey that helps asses the emotional and physical health of our children. Parents are still informed of the survey and may choose not to allow their children to participate. Students who take the survey are notified of their right to refuse to answer any question they don't want to answer.

Under current law, school districts can not permit the administration of this survey without specific parent consent. Many parents don't object, they just don't follow through with ensuring that their child gets the permission form back to school. The Anchorage School District has gone to great expense and effort to obtain returned permission forms and most of the returned forms do give permission. With the opt out system proposed by the amendments in SB 101, parents who do object will be given lots of notice of their right to object and plenty of opportunity to do so. This is a good compromise between the need to get adequate data about the health of our children and the interests of those parents who believe this anonymous survey is detrimental in some way.

The Anchorage School Board supports making the changes proposed in SB 101.

Jeff Friedman
Anchorage School Board
1534 D Street
Anchorage, AK 99501
907-742-4699 (Home)



**Position Statement on SB 101
Relating to Questionnaires and Surveys in Public Schools**

AASB member districts need school-by-school data to increase student achievement and accurately assess the effectiveness of current programs. Since passage of HB 70 in 1999, schools have been unable to obtain an adequate sample of student information to provide reliable information. AASB supports modifying the requirements for parental or legal guardian permission for a student to participate in a questionnaire or survey administered in a public school.



Planned Parenthood[®]

of the Great Northwest

March 9, 2009

The Honorable Bettye Davis
Alaska State Senate
State Capitol, Rm 30
Juneau, AK 99801-1182

Dear Senator Davis:

On behalf of Planned Parenthood of the Great Northwest (PPGNW), I'm writing in support of Senate Bill 101, *"An Act relating to questionnaires and surveys administered in the public schools."*

Planned Parenthood relies on the results of the school-based Alaska Youth Behavior Risk Survey to determine where our efforts should be in terms of education and STI prevention programs. For accurate survey results it's critical to get as many survey responses as possible. Planned Parenthood recognizes that the current regulations of active parental consent for anonymous surveys decrease the response rate significantly.

Senate Bill 101 will increase the accuracy of the vital information Planned Parenthood and many other organizations rely on to serve Alaska's young people. Thank you for addressing this issue.

Sincerely,

Clover Simon
Vice President of Alaska
Planned Parenthood of the Great Northwest
(907) 770-9705
clover.simon@ppgnw.org

Planned Parenthood of the Great Northwest
Alaska Administrative Office - 4001 Lake Otis Pkwy
Anchorage, AK 99508

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

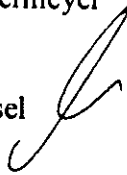
MEMORANDUM

March 12, 2009

SUBJECT: Written denial of permission (SB 101;
Work Order No. 26-LS0524\A)

TO: Senator Bettye Davis
Attn: Thomas Obermeyer

FROM: Jean M. Mischel
Legislative Counsel



Eddy Jeans asked about the necessity of sec. 3 in the above referenced bill. Section 3 amends existing law in AS 14.03.110(e) to require written denial of permission by a parent or guardian for a student survey. Without the addition of written denial in subsection (e), existing law would be inconsistent with the new subsection (g) that requires written denial of permission for the Youth Risk Behavior Survey (YRBS) contained in sec. 4.

If I may be of further assistance, please advise.

JMM:ljw
09-153.ljw