

# SENATE BILL 9

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(PRE-FILED)

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By: **Senator Garagiola**

Requested: November 17, 2006

Introduced and read first time: January 10, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student Surveys – Youth Risk Behavior Surveillance System**  
3 **Survey**

4 FOR the purpose of requiring the State Department of Education to collaborate with  
5 the Department of Health and Mental Hygiene to incorporate the provisions of  
6 the Maryland Adolescent Survey and the Youth Tobacco Survey into the  
7 Centers for Disease Control and Prevention Youth Risk Behavior Surveillance  
8 System survey; providing for certain exceptions to the authority of the  
9 Department of Education to omit certain survey questions; altering certain  
10 parental notification requirements; clarifying that certain surveys are part of  
11 the Youth Risk Behavior Surveillance System survey; requiring the Department  
12 of Health and Mental Hygiene, certain county boards, and certain schools to  
13 cooperate with the Department of Education in administering the survey;  
14 defining certain terms; requiring the Department of Education to administer a  
15 certain survey on or before a certain school year; and generally relating to the  
16 administration of the Centers for Disease Control and Prevention Youth Risk  
17 Behavior Surveillance System survey.

18 BY repealing and reenacting, with amendments,  
19 Article – Education  
20 Section 7–420  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume)

23 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General  
2 Section 13–1001(l) and (w) and 13–1003(d)  
3 Annotated Code of Maryland  
4 (2005 Replacement Volume and 2006 Supplement)

5 BY adding to  
6 Article – Health – General  
7 Section 13–1001(w)  
8 Annotated Code of Maryland  
9 (2005 Replacement Volume and 2006 Supplement)

10 Preamble

11 WHEREAS, Public agencies concerned with the health of Maryland children  
12 need periodic surveys to acquire data in order to determine appropriate preventive  
13 education, regulations, and services; and

14 WHEREAS, Federal and State laws mandate the periodic collection of data  
15 regarding the use of tobacco, alcohol, and other drugs by the youth of the State; and

16 WHEREAS, The United States Centers for Disease Control and Prevention  
17 provides a Youth Risk Behavior Surveillance System survey to states which generates  
18 health risk data in a broad range of areas; and

19 WHEREAS, The national nature of the Youth Risk Behavior Surveillance  
20 System survey enables states to compare the risk behaviors of their children with  
21 those of children in other parts of the country and is required data for the receipt of  
22 certain federal grant funding; and

23 WHEREAS, In 2004, the Maryland General Assembly passed legislation  
24 requiring that the Youth Risk Behavior Surveillance System survey be administered  
25 every 2 years in a randomly selected sample of Maryland schools; and

26 WHEREAS, The administration of surveys requires substantial time and effort  
27 by Maryland schools; and

28 WHEREAS, The Youth Risk Behavior Surveillance System survey obtains some  
29 of the data required for the Maryland Adolescent Survey and the Youth Tobacco  
30 Survey and can be modified to obtain all legally required data on the use of tobacco,  
31 alcohol, and other drugs; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
33 MARYLAND, That the Laws of Maryland read as follows:

1 **Article – Education**

2 7-420.

3 (a) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
4 **MEANINGS INDICATED.**

5 (2) **“MARYLAND ADOLESCENT SURVEY” HAS THE MEANING**  
6 **STATED IN § 13-1001(L) OF THE HEALTH – GENERAL ARTICLE.**

7 (3) **“SURVEY” MEANS THE CENTERS FOR DISEASE CONTROL AND**  
8 **PREVENTION YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.**

9 (4) **“YOUTH TOBACCO SURVEY” HAS THE MEANING STATED IN §**  
10 **13-1001(X) OF THE HEALTH – GENERAL ARTICLE.**

11 (B) (1) The Department shall establish procedures for the administration  
12 of [the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance  
13 System] **THE** survey.

14 (2) **THE DEPARTMENT SHALL COLLABORATE WITH THE**  
15 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO INCORPORATE THE**  
16 **PROVISIONS OF THE MARYLAND ADOLESCENT SURVEY AND THE YOUTH**  
17 **TOBACCO SURVEY INTO THE SURVEY.**

18 [(b)] (C) (1) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
19 **SUBSECTION, THE** Department may omit up to a maximum of one-third of the survey  
20 questions if the Department considers the content of the questions inappropriate.

21 (2) **EXCEPT AS PROVIDED IN § 13-1003(D) OF THE HEALTH –**  
22 **GENERAL ARTICLE, THE DEPARTMENT SHALL ENSURE THAT THE CONTENT OF**  
23 **THE SURVEY INCLUDES THE CONTENT PROVISIONS OF THE MARYLAND**  
24 **ADOLESCENT SURVEY AND THE YOUTH TOBACCO SURVEY.**

25 [(c)] (D) (1) The Department shall require a local school system to  
26 [obtain parental consent using a parental consent form] **NOTIFY PARENTS** before  
27 administering the survey.

1           (2) The [parental consent form] **NOTIFICATION REQUIRED UNDER**  
2 **PARAGRAPH (1) OF THIS SUBSECTION** shall include:

3                   **(I) A FORM THAT MAY BE RETURNED BY A PARENT TO DENY**  
4 **A STUDENT’S PARTICIPATION IN THE SURVEY; AND**

5                   **(II) [a] A statement that explains how a parent can obtain a**  
6 **copy of the survey questions that will be administered and more information regarding**  
7 **the survey, including the mailing address, telephone number, and website address of**  
8 **the Centers for Disease Control and Prevention.**

9                                   **Article - Health - General**

10 13-1001.

11           (1) “Maryland Adolescent Survey” means the Maryland Adolescent Survey  
12 that is administered by the Maryland State Department of Education **AS PART OF**  
13 **THE YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.**

14           **(W) “YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY” MEANS**  
15 **THE CENTERS FOR DISEASE CONTROL AND PREVENTION YOUTH RISK**  
16 **BEHAVIOR SURVEILLANCE SYSTEM SURVEY ADMINISTERED BY THE MARYLAND**  
17 **STATE DEPARTMENT OF EDUCATION UNDER § 7-420 OF THE EDUCATION**  
18 **ARTICLE.**

19           [(w)] **(X) “Youth Tobacco Survey” means the Youth Tobacco Survey**  
20 **developed by the Centers for Disease Control and Prevention and administered by the**  
21 **[Department with the assistance of the] Maryland State Department of Education AS**  
22 **PART OF THE YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.**

23 13-1003.

24           (d) (1) In conducting the Baseline Tobacco Study, the Department may  
25 consider any data collected after March 1, 2000 through the administration of the  
26 Maryland Adolescent Survey or the Youth Tobacco Survey **AS PART OF THE YOUTH**  
27 **RISK BEHAVIOR SURVEILLANCE SYSTEM SURVEY.**

28           (2) The [Maryland State Department of Education] **DEPARTMENT,**  
29 **county boards of education, and each school selected to participate in the Maryland**  
30 **Adolescent Survey or the Youth Tobacco Survey AS PART OF THE YOUTH RISK**

1 **BEHAVIOR SURVEILLANCE SYSTEM SURVEY** shall cooperate with the **MARYLAND**  
2 **STATE Department OF EDUCATION** in administering the surveys.

3 (3) (i) Subject to subparagraph (ii) of this paragraph, the Maryland  
4 State Department of Education may not discontinue administration of the Maryland  
5 Adolescent Survey **PORTION OF THE YOUTH RISK BEHAVIOR SURVEILLANCE**  
6 **SYSTEM SURVEY** until after it has submitted a report to the Governor and, subject to  
7 § 2-1246 of the State Government Article, the General Assembly that states the  
8 reason for discontinuing the survey.

9 (ii) If the Maryland State Department of Education submits a  
10 report as provided under subparagraph (i) of this paragraph, it may discontinue the  
11 Maryland Adolescent Survey **PORTION OF THE YOUTH RISK BEHAVIOR**  
12 **SURVEILLANCE SYSTEM SURVEY** in the first school year that begins after the report  
13 has been submitted.

14 **SECTION 2. AND BE IT FURTHER ENACTED**, That the State Department of  
15 Education shall administer the version of the Youth Risk Behavior Surveillance  
16 System survey that incorporates the provisions of the Maryland Adolescent Survey  
17 and the Youth Tobacco Survey on or before the 2009–2010 school year.

18 **SECTION 3. AND BE IT FURTHER ENACTED**, That this Act shall take effect  
19 October 1, 2007.