

Proponent Testimony

HB 2407 - a bill related to nonacademic questionnaires; eliminating the requirement for parental consent for a student to participate in a nonacademic questionnaire; and allowing for notice of a nonacademic questionnaire to be administered

House Child Welfare & Foster Care Committee

Monday, February 20, 2023

Chairwoman Concannon and Members of the Committee,

The Kansas Department for Aging and Disability Services (KDADS) appreciates the opportunity to provide proponent testimony on HB 2407 which eliminates the requirement for parental consent for a student to participate in a nonacademic questionnaire.

The Kansas Communities that Care (KCTC) student survey is built on a framework for prevention and has been utilized by substance use and suicide prevention coalitions, communities, and schools to plan effective prevention programs, apply for grant funding, and measure progress in reducing factors that contribute to high-risk youth behaviors. This data has been utilized to obtain Federal grants such as SPF-PFS (Strategic Prevention Framework-Partnerships for Success), SPF-RX (Strategic Prevention Framework-Prescription drugs), and DFC (Drug Free Communities), which has allowed Kansas to continue to support efforts in the community related to substance use prevention. KDADS also funds over 30 coalitions, agencies and organizations working in the area of substance use prevention, suicide prevention, and mental health promotion. Data collected from the KCTC survey is vital to program planning, identification of target populations, communities, and responses to risk and protective factors.

Additionally, data from KCTC is important for mental health programming and has raised awareness about depression, suicide, and helped communities and schools identify common areas of concern. Together, communities and schools have deployed innovative strategies to support the mental health needs of children and their families. Data collected through KCTC's optional depression and suicide module has helped guide decisions about the expansion of mental health services for students and the creation of Certified Community Behavioral Health Clinics.

The KCTC Student Survey has been administered annually since 1995 to students in 6th, 8th, 10th, and 12th grades. The survey is a resource to provide local (building-, district-, and county-level) and statewide data that can be used to guide prevention programs, strategies, and public policy.

Administration protocols are reviewed annually and approved by an internal Institutional Review Board (IRB). Current protocols address statutory requirements regarding parental notification and provide guidance on securing written permission for each child to participate in the KCTC Student Survey. Parent consent forms include information about the survey content, access to the survey questions, and the purpose of the data collected, including how data will be used and reported. Information is updated annually and reviewed by the IRB before administering the student survey. Protocols for informing parents about the survey's content, purpose, and how data would be utilized have always been part of the process. Initially, an OPT OUT method asking parents to notify schools if they did not want their child to participate in the KCTC Student Survey was used.

HB 2407 will eliminate the requirement that written consent for each test, questionnaire, survey, or examination shall be provided separately and within four months of administration. This will support the elimination of creating new technologies and systems to support administration, which would not only be costly, but delays the aggregation of data for public usage. Reaching all parents for consent multiple times - whether written or electronic documentation – has posed additional challenges for both parents/guardians and school district office personnel.

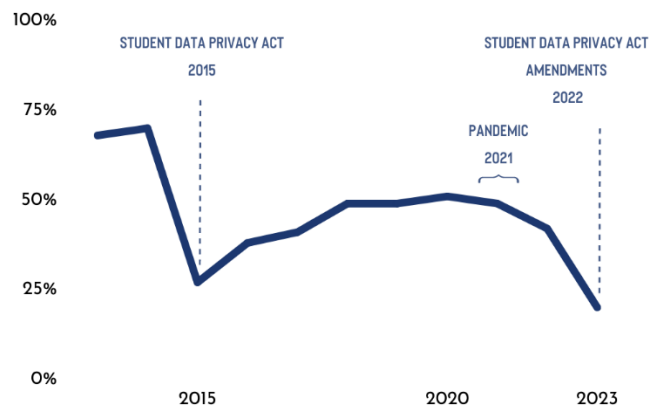
Complicating consent processes and interpretation of K.S.A. 2022 Supp. 72-6316 has had a negative impact on student participation at schools/districts. Since 1995, KDADS has contracted with LTI/Greenbush to administer the KCTC Student Survey and to do so at no cost to Kansas schools to encourage participation. The Student Data Privacy Act was amended in 2022 to add more specific requirements regarding informed consent. Specifics about the timeframe for obtaining parents’/guardians’ signatures within four months of the administration of the survey and obtaining separate signatures for each test, questionnaire, survey or examination of this type were the most significant changes impacting administration. Participation levels were significantly impacted each time protocols were changed by the legislation.

- In the following chart, you’ll see a dramatic drop in participation in 2015 when the Student Data Privacy Act was enacted, the method changed to an ACTIVE CONSENT process that required parents/guardians to provide written consent for their child to participate.
- The Student Data Privacy Act was amended in 2022 to add more specific requirements regarding informed consent. Specifics about the timeframe for obtaining parents’/guardians’ signatures within four months of the administration of the survey and obtaining separate signatures for each test, questionnaire, survey, or examination of this type were the most significant changes impacting administration.
 - The total number of students surveyed in 2023 marks the lowest number of students surveyed in the 28 years our state agency has been administering it.
- Taking the survey is voluntary for school districts, parents, and students. Most districts in Kansas utilize enrollment processes to provide parents/guardians information about the KCTC Student Survey and request consent for participation. With the four-month timeframe enacted in K.S.A. 2022 Supp. 72-6316, you can see a marked difference in the number of districts who administered the KCTC student survey.
 - In 2021, 237 Kansas school districts administered the KCTC Student Survey.
 - In 2022, only 183 districts elected to administer the survey.

KCTC Student Survey Participation

Percentage of 6th, 8th, 10th, and 12th Grade Students 2013 - 2023

- In 2015, the Kansas legislature passed the Student Data Privacy Act changing parent consent processes
- 2020 data collection was completed before school closures due to the pandemic
- In 2021, survey administration was completely online with 35% of students taking the survey remotely (not at school)
- In 2022, the Kansas legislature amended the Student Data Privacy Act changing parent consent processes for this year's administration



The administration guidelines in HB 2407 aligns with many of the protocols already in place for the KCTC Student Survey. Informed consent protocols are embedded into KCTC. Students receive access to information about the survey and are asked to confirm they have received it and that they understand the following:

- Students may choose not to take the survey (regardless of parental consent);
- Student may skip over any questions they choose not to answer for any reason; and/or
- Students may stop taking the survey at any time.

The KCTC survey has not and will never record, request, or solicit a student to provide any personally identifiable student data. The protocol for the administration of the KCTC survey and data collection explicitly ensures anonymity for all students participating in the survey.

KDADS will continue to support protocols to maintain the highest ethical and legal standards to ensure student privacy, informed consent by parents/guardians and students, and accurate reporting of data.

Thank you for the opportunity to provide testimony on this important issue.