

SENATE BILL NO. 166—SENATOR FARLEY

PREFILED FEBRUARY 13, 2017

Referred to Committee on Education

SUMMARY—Establishes a program to survey pupils enrolled in public schools concerning the use and abuse of alcohol and drugs. (BDR 34-795)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the Department of Education to establish a program to survey pupils enrolled in public schools concerning the use and abuse of alcohol and drugs; prescribing the requirements for such a survey; authorizing the Department to contract with a qualified person or entity to administer the program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal and state law requires a public school to obtain the written
2 consent of a pupil who is an adult or emancipated minor or the parent or guardian
3 of a pupil who is an unemancipated minor before requiring the pupil to participate
4 in any survey designed to elicit certain potentially sensitive information. (20 U.S.C.
5 § 1232h; NRS 392.029) This bill requires the Department of Education to establish
6 a program to survey certain pupils enrolled in public middle schools, junior high
7 schools and high schools concerning the use and abuse of alcohol and drugs. This
8 bill prescribes the requirements for such a survey and authorizes the Department to
9 contract with a qualified person or entity to administer the program. This bill also
10 requires the Department to: (1) select certain school districts or schools in which
11 surveys will be administered; (2) aggregate the data collected and make the data
12 available to those school districts or schools; and (3) annually submit a report that
13 summarizes the data collected for the immediately preceding school year.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 392 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Department shall establish and administer a program*
4 *to conduct an annual survey of pupils enrolled in public middle*
5 *schools, junior high schools and high schools in this State*
6 *concerning the use and abuse of alcohol and drugs by adolescents.*
7 *The identity of any pupil to whom a survey is administered must*
8 *remain anonymous.*

9 2. *A survey administered pursuant to this section must be*
10 *administered electronically and must be designed to:*

11 (a) *Elicit information concerning:*

12 (1) *The attitude of pupils regarding the use and abuse of*
13 *alcohol and drugs;*

14 (2) *The motivations of pupils in abstaining from the use of*
15 *alcohol and drugs or engaging in the use and abuse of alcohol or*
16 *drugs; and*

17 (3) *The perceptions of pupils relating to the risks associated*
18 *with the use and abuse of alcohol and drugs; and*

19 (b) *Tailor the questions posed to each pupil based upon his or*
20 *her previous answers.*

21 3. *Each school year, the Department shall provide to the*
22 *parent or guardian of each pupil to whom it wishes to administer a*
23 *survey pursuant to this section a form that allows the parent or*
24 *guardian to refuse or revoke consent to participate in the survey*
25 *by the pupil. The principal of each public school must also make*
26 *the form available to the parent or guardian of a pupil upon*
27 *request.*

28 4. *At any time:*

29 (a) *The parent or guardian of a pupil who is an*
30 *unemancipated minor may refuse to allow the administration of a*
31 *survey pursuant to this section by submitting a revocation or*
32 *refusal to the Department.*

33 (b) *A pupil may refuse to participate in a survey administered*
34 *pursuant to this section.*

35 5. *The Department may administer a survey described in this*
36 *section or allow such a survey to be administered to a pupil who is*
37 *an unemancipated minor without the consent of the parent or*
38 *guardian of the pupil if:*

39 (a) *The information is elicited in a manner that allows the*
40 *pupil to remain anonymous;*

41 (b) *The pupil has not refused to participate in the survey; and*



1 (c) *The parent or guardian of the pupil has not submitted the*
2 *form described in this section to refuse or revoke consent to the*
3 *survey.*

4 6. *The Department shall select at random the school districts*
5 *or schools in which each survey will be administered. A school*
6 *district or school selected by the Department shall administer the*
7 *survey.*

8 7. *A school district or school not selected to participate in a*
9 *survey may request that the survey be administered in the school*
10 *district or school. The Department shall grant such a request to*
11 *the extent that money is available for that purpose.*

12 8. *The Department may contract with any qualified person or*
13 *entity to administer the program established pursuant to this*
14 *section. The person or entity so selected shall comply with any*
15 *requirements prescribed by the Department.*

16 9. *The Department or the person or entity administering the*
17 *program shall:*

18 (a) *Aggregate the data collected pursuant to this section at the*
19 *school, school district and statewide levels; and*

20 (b) *Make the aggregated data available to any school or school*
21 *district selected for the survey.*

22 10. *The Department shall submit an annual report to the*
23 *Governor, the State Board of Education, the board of trustees of*
24 *each school district and the Director of the Legislative Counsel*
25 *Bureau for transmission to the Legislature. The report must*
26 *summarize the data collected pursuant to this section for the*
27 *immediately preceding school year.*

28 **Sec. 2.** The provisions of subsection 1 of NRS 218D.380 do
29 not apply to any provision of this act which adds or revises a
30 requirement to submit a report to the Legislature.

31 **Sec. 3.** The provisions of NRS 354.599 do not apply to any
32 additional expenses of a local government that are related to the
33 provisions of this act.

34 **Sec. 4.** This act becomes effective upon passage and approval
35 for the purpose of adopting regulations and performing any other
36 administrative tasks that are necessary to carry out the provisions of
37 this act and on January 1, 2018, for all other purposes.

