

Montana School Board Association to Montana: Opt-Out is the Right Option for Youth Surveys

Report compiled by Alliance for Youth 12/5/2024

Serious concerns arose from HB 676, enacted during the 2023 Montana Legislative Session. This law has significantly impacted critical state-sponsored surveys conducted by the Office of Public Instruction (OPI) and the Department of Health and Human Services (DPHHS), particularly the Youth Risk Behavior Survey (YRBS) and the Montana Prevention Needs Assessment (MPNA).

The Role of YRBS and MPNA

The YRBS, administered in odd-numbered years, tracks health-related behaviors among grades 9-12, monitoring trends and evaluating adolescent health programs. The MPNA, conducted in even-numbered years, assesses risk behaviors such as substance abuse and violence in grades 8, 10, and 12. These surveys are vital tools for identifying issues like youth vaping, bullying, suicide and mental health challenges. The MPNA also highlights protective factors, reinforcing the role of parental, peer and community influence.

Benefits to Schools and Communities

Schools and communities rely heavily on individualized reports from these surveys for strategic prevention planning and addressing specific behavioral concerns. The data informs grant applications, helps estimate the need for services and supports targeted interventions. For example, the CDC's 2019 YRBS data identified Cascade County as having the highest youth vaping rates nationally. This insight enabled local coalitions and school districts to implement effective measures, reducing the rates significantly by 2021.

Montana School Board Association (MTSBA) Position

The Montana School Boards Association (MTSBA) emphasizes the distinction between surveys collecting personally identifiable information and anonymous surveys like the YRBS and MPNA. According to Kris Goss, Director of Policy Services/Senior Counsel for MTSBA:

- Active consent is required for surveys that request personal information unrelated to an educational record.
- Opt-out provisions apply to anonymous surveys that do not collect personal information.

This classification aligns with Montana Code Annotated (MCA) 40-6-701(2)(k), ensuring that anonymous, confidential surveys fall under opt-out policies rather than active consent. Andrew E. Vigeland, Director of Human Relations and Attorney for the MTSBA, has reaffirmed this. The model policy set by MTSBA extends beyond statutory requirements, reinforcing that an opt-out process is sufficient for surveys like the YRBS and MPNA, which do not contribute to a statewide data system or establish an educational record.

Impact of HB 676

HB 676's shift to active parental consent has drastically reduced participation rates, rendering the 2024 MPNA data statistically invalid. Without comprehensive data, schools and communities lack essential insights to address student challenges effectively. This is particularly concerning amidst ongoing youth mental health and substance abuse crises. The inability to collect accurate data compromises efforts to protect and promote youth well-being.

While the MTSBA stance does allow school districts to return to the opt-out process for anonymous youth surveys like the YRBS and MPNA, HB 676 still handicaps school districts like Great Falls Public School District (GFPS) with mental health screenings. A few years ago, a local emergency room reached out to GFPS to share a very valid concern. They were seeing numerous 10- to 11-year-olds presenting to the ER with suicidal ideation. This led the district to conduct suicide screenings with every sixth-grade student. Using the opt-out option the first year---which allowed parents to choose not to have their child participate---enabled school administrators and counselors to identify and support numerous students who were flying well below anyone's radar. Since HB 676 was adopted in 2023, the district was only able to screen a fraction of the students, as they now had to work under an opt-in model. Many students are going unidentified and unsupported.

Call for Legislative Action

We strongly urge the legislature to reconsider and amend HB 676. Capacity to conduct confidential and anonymous surveys, as well as suicide and mental health screenings, is crucial for data-driven decision-making and effective intervention strategies. Ensuring seamless data collection will provide Montana's youth with the support and resources they need to thrive.

In conclusion, HB 676 not only restricts data collection but jeopardizes critical prevention efforts. Amending this legislation is vital for maintaining the well-being of Montana's youth and supporting schools in their mission to create safer, healthier environments.