

Amendment No. 241

Senate Amendment to Senate Bill No. 166	(BDR 34-795)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will:
(1) REMOVE the unfunded mandate from S.B. 166.
(2) ADD an appropriation where one does not currently exist in S.B. 166.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/JWP



Date: 4/18/2017

S.B. No. 166—Establishes a program to survey pupils enrolled in public schools concerning the use and abuse of alcohol and drugs.  
(BDR 34-795)





## SENATE BILL NO. 166—SENATOR FARLEY

PREFILED FEBRUARY 13, 2017

Referred to Committee on Education

SUMMARY—Establishes a pilot program to survey pupils enrolled in public schools concerning the use and abuse of tobacco, alcohol ~~and~~, prescription drugs ~~and~~ and controlled substances, (BDR ~~(24-795)~~ S-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 pilot program to survey pupils enrolled in public schools concerning the use and abuse of tobacco, alcohol ~~and~~, prescription drugs ~~and~~ and controlled substances; prescribing the requirements for such a survey; authorizing the Department to contract with a qualified person or entity to administer the pilot program; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing federal and state law requires a public school to obtain the written consent of a pupil who is an adult or emancipated minor or the parent or guardian of a pupil who is an unemancipated minor before requiring the pupil to participate in any survey designed to elicit certain potentially sensitive information. (20 U.S.C. § 1232h; NRS 392.029) This bill requires the Department of Education to establish a pilot program to survey certain pupils enrolled in public middle schools, junior high schools and high schools concerning the use and abuse of tobacco, alcohol ~~and~~, prescription drugs ~~and~~ and controlled substances. This bill prescribes the requirements for such a survey and authorizes the Department to contract with a qualified person or entity to administer the program. This bill also requires the Department to: (1) select certain school districts or schools in which surveys will be administered; (2) aggregate the data collected and make the data available to those school districts or schools; and (3) annually submit a report that summarizes the data collected for the immediately preceding school year. Section 1.7 of this bill makes an appropriation to the Department to cover the cost of conducting the survey.

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 thereto a new~~  
2 ~~section to read as follows:~~

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

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

10       ~~(a) Elicit information concerning:~~

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

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

15       ~~(3) The perceptions of pupils relating to the risks associated with the use~~  
16 ~~and abuse of alcohol and drugs; and~~

17       ~~(b) Tailor the questions posed to each pupil based upon his or her previous~~  
18 ~~answers.~~

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

24       ~~4. At any time:~~

25       ~~(a) The parent or guardian of a pupil who is an unemancipated minor may~~  
26 ~~refuse to allow the administration of a survey pursuant to this section by~~  
27 ~~submitting a revocation or refusal to the Department.~~

28       ~~(b) A pupil may refuse to participate in a survey administered pursuant to~~  
29 ~~this section.~~

30       ~~5. The Department may administer a survey described in this section or~~  
31 ~~allow such a survey to be administered to a pupil who is an unemancipated minor~~  
32 ~~without the consent of the parent or guardian of the pupil if:~~

33       ~~(a) The information is elicited in a manner that allows the pupil to remain~~  
34 ~~anonymous;~~

35       ~~(b) The pupil has not refused to participate in the survey; and~~

36       ~~(c) The parent or guardian of the pupil has not submitted the form described~~  
37 ~~in this section to refuse or revoke consent to the survey.~~

38       ~~6. The Department shall select at random the school districts or schools in~~  
39 ~~which each survey will be administered. A school district or school selected by the~~  
40 ~~Department shall administer the survey.~~

41       ~~7. A school district or school not selected to participate in a survey may~~  
42 ~~request that the survey be administered in the school district or school. The~~  
43 ~~Department shall grant such a request to the extent that money is available for~~  
44 ~~that purpose.~~

45       ~~8. The Department may contract with any qualified person or entity to~~  
46 ~~administer the program established pursuant to this section. The person or entity~~  
47 ~~so selected shall comply with any requirements prescribed by the Department.~~

48       ~~9. The Department or the person or entity administering the program shall:~~

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

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

~~10. The Department shall submit an annual report to the Governor, the State Board of Education, the board of trustees of each school district and the Director of the Legislative Counsel Bureau for transmission to the Legislature. The report must summarize the data collected pursuant to this section for the immediately preceding school year. (Deleted by amendment.)~~

Sec. 1.5. 1. The Department of Education shall establish and administer a pilot program to conduct an annual survey of pupils enrolled in public middle schools, junior high schools and high schools in this State concerning the use and abuse of tobacco, alcohol, prescription drugs and controlled substances by adolescents. The survey may be conducted at any time during the school year which is determined appropriate by the school district or school participating in the survey. The identity of any pupil to whom a survey is administered must remain anonymous.

2. The survey instrument used pursuant to this section must be approved by an institutional review board. The survey must be administered electronically and must be designed to:

(a) Elicit information concerning:

(1) The types of use by pupils of tobacco, alcohol, prescription drugs and controlled substances;

(2) The attitude of pupils regarding the use and abuse of tobacco, alcohol, prescription drugs and controlled substances; and

(3) The motivations of pupils in using, abusing or abstaining from the use of tobacco, alcohol, prescription drugs and controlled substances; and

(b) Tailor the questions posed to each pupil based upon his or her answers to previous questions in the survey.

3. A school district or school participating in the survey may:

(a) Require the parent or guardian of a pupil who is an unemancipated minor to consent to the pupil's participation in the survey; or

(b) Allow a survey to be administered to a pupil who is an unemancipated minor without the consent of a parent or guardian if:

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

(2) The pupil has not refused to participate in the survey; and

(3) The parent or guardian of the pupil has not submitted the form described in subsection 4 to refuse or revoke consent to the survey.

4. A school district or school that allows a survey to be administered to a pupil who is an unemancipated minor without the consent of a parent or guardian shall, at least 30 days before the date on which the school district or school administers a survey, provide to the parent or guardian of each such pupil to whom it wishes to administer a survey a form that allows the parent or guardian to refuse or revoke consent to participate in the survey by the pupil. The principal of each public school in such a district or school must also make the form available to the parent or guardian of a pupil who is an unemancipated minor upon request.

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

6. A school district or school not selected to participate in the survey pursuant to subsection 5 may request that the survey be administered in the

1 school district or school. The Department shall grant such a request to the  
2 extent that money is available for that purpose.

3 7. The Department may contract with any qualified person or entity to  
4 administer the pilot program established pursuant to this section. The person  
5 or entity so selected shall comply with any requirements prescribed by the  
6 Department.

7 8. The Department or the person or entity administering the pilot  
8 program shall:

9 (a) Aggregate the data collected pursuant to this section at the school,  
10 school district and statewide levels; and

11 (b) Make the aggregated data available to any school district or school  
12 that participates in the survey.

13 9. The Department shall submit an annual report to the Governor, the  
14 State Board of Education, the board of trustees of each school district, the  
15 governing body of each charter school and the Director of the Legislative  
16 Counsel Bureau for transmission to the Legislature. The report must  
17 summarize the data collected pursuant to this section for the immediately  
18 preceding school year.

19 Sec. 1.7. 1. There is hereby appropriated from the money the  
20 Administrator of the Division of Public and Behavioral Health of the  
21 Department of Health and Human Services receives pursuant to NRS  
22 453A.720 the sum of \$978,312 for the cost of conducting the survey required  
23 by section 1.5 of this act.

24 2. Any remaining balance of the appropriation made by subsection 1  
25 must not be committed for expenditure after June 30, 2019, by the entity to  
26 which an appropriation is made or any entity to which money from the  
27 appropriation is granted or otherwise transferred in any manner, and any  
28 portion of the appropriated money remaining must not be spent for any  
29 purpose after September 20, 2019, by either the entity to which the money was  
30 appropriated or the entity to which the money was subsequently granted or  
31 transferred, and must be reverted to the State General Fund on or before  
32 September 20, 2019.

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

36 Sec. 3. ~~[The provisions of NRS 254.599 do not apply to any additional~~  
37 ~~expenses of a local government that are related to the provisions of this act.]~~  
38 ~~(Deleted by amendment.)~~

39 Sec. 4. This act becomes effective upon passage and approval for the purpose  
40 of adopting regulations and performing any other administrative tasks that are  
41 necessary to carry out the provisions of this act and on ~~[January 1, 2018,]~~ July 1,  
42 2017, for all other purposes.