

Testimony
Senate Bill No. 2105
House Education Committee
Representative Heinert, Chairman
March 12, 2025

Chairman Heinert, and members of the House Education Committee, I am Dr. Tracy Miller, State Epidemiologist and Health Statistics and Performance Section Director with the North Dakota Health and Human Services (Department). I appear before you in opposition of Senate Bill No. 2105, which relates to the administration of surveys to students in kindergarten through grade twelve schools.

Currently, two long standing health and wellness surveys have been implemented in schools, the Youth Risk Behavioral Survey (YRBS), conducted in odd years since 1995 and Youth Tobacco Survey (YTS), conducted in odd years since 2003. In 2023, the Department took over the management, coordination, and distribution of the YRBS from the Department of Public Instruction due to capacity concerns and limited funding.

While most of the discussion on this bill centered around the YRBS, this bill affects many more surveys and questionnaires which will cause undue burdens and introduces limitations on schools and other agencies. But to begin my testimony, I will start with the YRBS. One of the questions that consistently came up was the parents' ability to approve that their child takes the survey. The necessity of this bill becomes unclear when reviewing all levels of local control and permissions provided by this survey. Initially, not every school district is selected to offer the survey to its students, if a district is selected, that district can approve or decline

its participation in distributing the survey to its students. If the district approves, the school will then have to decide if they would like to participate. If the school decides to participate, then the parent has the opportunity to determine if their child should participate or not in the survey. Lastly, if the parent approves, the student, upon reviewing the survey, can determine for themselves if they do or do not want to participate.

As stated, parents have the opportunity to determine whether or not their child participates in this survey. Schools and administrators are responsible for communicating this information to parents. Parents can work with their schools to determine the best avenue for providing information about surveys being conducted in their school throughout the school year. This allows the issue to be effectively addressed at the local level without the need for a new law.

Another question that came up more than once was regarding the questions on the survey itself. Currently, the YRBS questions provide insight into dietary behaviors, sleep, mental health issues, tobacco/vaping use, seatbelt use, school safety concerns, texting while driving, substance use, physical activity, bullying, etc. Questions for the YRBS survey are selected through a committee of stakeholders which includes HHS Public Health, HHS Behavioral Health Division, DPI, DOT, Community Organizations & Regional Education Associations (REAs). However, local control is still in place for those schools that choose to participate. Any question on the survey can be removed at the request of that school. And as previously stated, if a student reads a question they do not want to answer, they can simply skip that question and leave it blank.

The information collected in this survey is not collected simply to say North Dakota participates in the nationwide survey. This survey serves as the sole source of data used by a variety of programs in North Dakota to track health risk behaviors among adolescents. Programs such as child nutrition, substance use and treatment, family health and wellness, oral health, Behavioral Health, DOT, DPI, domestic violence, school districts and nurses, community leaders, Kids Count, local police departments, universities, and members of the general public all use this data. They use this data to obtain federal and private grants, program planning for priorities, quality improvement, evaluation of health and wellness interventions, inform decisions about school policy, plan prevention and treatment-related activities, measure progress, etc.

Many schools are very aware of how useful this data is: yes, every year we get a few schools that decline participation for a variety of reasons; however, this is very rare. In 2023:

- 67 ND high schools were sampled, and 2,469 ND high school students were randomly selected to participate.
- 74 ND middle schools were sampled, and 2,693 ND middle school students were randomly selected to participate.

Additionally in 2023:

- 6,641 high school students took the YRBS in schools that voluntarily participated.
- 5,377 middle school students took the YRBS in schools that voluntarily participated

Lastly, one comment that was repeatedly brought forth was, “if we already know that kids are smoking, vaping, drinking etc. Do we need to

continually gather this information?” I want to say that this is a resounding Yes! The need for continuous data collection, is multifaceted but one of the most important reasons is, if a school/district is spending money on a program such as reducing teen smoking, improvements in oral health, student mental health improvements, etc. It is imperative that schools/school nurses/districts have this data so that their program can be evaluated on how well the program is or is not working. No school should be spending money year after year on a program if it is not making a difference in the lives of their students and community.

While this testimony has focused on the YRBS, I would also want to point out this bill would also hinder the department’s ability to follow up on infectious diseases. In situations such as food born outbreaks within the school, it is imperative that information about foods and activities are collected to identify the source so that prevention efforts can be put into place.

SB 2105, if enacted, would result in the loss of data used by a variety of agencies which could result in the loss of resources, not to mention ongoing transmission of infectious disease.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.