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May 15, 2003

Dear County and District Superintendents and Safe and Drug Free Schools and Communities and Tobacco Use Prevention Education Program Coordinators:

SUBJECT: CALIFORNIA HEALTHY KIDS SURVEY REQUIREMENT

The purpose of this letter is to inform school district superintendents of an important new requirement for Local Educational Agency (LEA) participation in the California Healthy Kids Survey (CHKS) as a condition of receiving Safe and Drug Free Schools and Communities (SDFSC) and Tobacco Use Prevention Education (TUPE) funding during 2003-04.

Since 1998, the CHKS has been an anonymous, voluntary, and confidential student survey that LEAs have used in the planning, assessment, and evaluation of their alcohol, tobacco, other drug, and violence prevention efforts. Effective for the 2003-04 school year, districts receiving state funds under TUPE or conducting alcohol, tobacco, other drug, or violence prevention activities supported by federal funds made available under the SDFSC, Title IV, Part A of the No Child Left Behind (NCLB) Act of 2001 will be required, at least once every two years as a condition of funding, to administer the CHKS.

This change from voluntary to mandatory LEA participation in the CHKS is a result of new requirements in NCLB. The new federal law requires the California Department of Education (CDE) to establish a Uniform Management Information and Reporting System for collection of information that includes "the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities." NCLB also requires that "the collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys." Finally, NCLB moves the Principles of Effectiveness, which formerly existed as guidance, into the SDFSC as a statutory requirement. These Principles of Effectiveness include requirements that programs be based on "...an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools..." and "...an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment."

CHKS Requirement

May 15, 2003

Page 2

In considering the best means of meeting these requirements for uniform data collection and reporting and a uniform set of performance measures, the CDE and the NCLB State Plan determined that the CHKS should become a required condition of funding for LEAs' alcohol, tobacco, other drug, and violence prevention efforts.

LEAs that have not participated in the CHKS and intend to receive TUPE and/or SDFSC funding for fiscal year 2003-04 should begin planning for administration of the CHKS. CDE contracts with WestEd for technical assistance, survey development, data analysis, and reporting. WestEd operates three assistance centers within California that provide training and technical assistance. These may be accessed through a toll free telephone number, 888-841-7536, or through the CHKS Web site at <<http://www.wested.org/hks/chkshome.htm>>.

Enclosed are the most current set of "Frequently Asked Questions" regarding the CHKS. If you have additional questions, please contact Robin Rutherford, School Health Education Consultant in the Safe and Healthy Kids Programs Office, at 916-319-0194. If you have technical or practical concerns about how to administer the CHKS, or want additional training or to schedule a date for your survey, please contact the WestEd CHKS Assistance Center at 888-841-7536.

Sincerely,

Original Signed by Sue Stickel

Sue Stickel
Deputy Superintendent
Curriculum & Instruction Branch

SS:rr

Enclosure

cc: Camille Maben, Coordinator for NCLB
Don Kairott, NCLB Team
Diane Levin, NCLB Team

CALIFORNIA HEALTHY KIDS SURVEY MANDATE
FREQUENTLY ASKED QUESTIONS
(Updated May 9, 2003)

LEA ADMINISTRATION

1. Who has to administer the California Healthy Kids Survey (CHKS)?

Local Educational Agencies (LEAs) and County Offices of Education (COE) that (a) receive state Tobacco Use Prevention Education (TUPE) grant funds and/or federal Title IV Safe and Drug Free Schools and Communities (SDFSC) funds and (b) operate school based prevention programs with these funds are required to administer the CHKS.

2. How often is the CHKS required?

The CHKS is required at least once every two years. For LEA grantees that receive TUPE competitive grant funds and/or SDFSC funds, the survey must be administered at least every other year and can be timed with their current biennial schedule.

3. What parts (modules) of the CHKS are required?

The CHKS has been given a modular design to allow for greater flexibility within districts. LEA recipients of TUPE grades four through eight and/or SDFSC funds are required at a minimum, to complete the CHKS Core module and Resilience/Youth Development module section that measures external assets. In addition, LEA recipients of TUPE competitive grants (grades six through eight Promising grants or grades nine through twelve High School grants) are required to administer the Tobacco module.

4. In the past, we used a modified CHKS because the school board found some of the survey items very personal and were concerned about it. Under the mandate, will LEAs be allowed to eliminate or modify questions that are in the required modules?

Under the mandate, districts may add questions that they would like to include in their assessment and planning efforts, but dropping questions from the CHKS will not be an option. This is based on the following reasoning:

- Section 4115 of Title IV of the No Child Left Behind Act of 2001 (NCLB) requires LEAs to perform a wide ranging assessment of program needs as part of its planning efforts. The California Healthy Kids Survey (CHKS) was designed to elicit this information.
- Section 4112 of NCLB requires a Uniform Management Information Reporting System. This assumes that the system for collection of data is uniform throughout the state. In this respect, the mandate represents a minimum data set for LEAs. California Department of Education (CDE) and WestEd (the CHKS contractor) have

tried to structure the CHKS so that more controversial questions are not required, but are included in additional modules.

- The requirements for parental notification and consent should protect school officials from public criticism. Parents who object to the survey may withhold consent and their children will not be allowed to participate.
- Finally, it is important to note that the CHKS is a condition of funding rather than a state mandate. If LEAs have serious objections to administering the CHKS, they can exempt themselves from the requirement by refusing TUPE and SDFSC funds.

5. My district participates in TUPE and SDFSC formula grant funding and also receives a TUPE grades nine through twelve competitive grant. How is my district expected to complete the Core, Resilience/Youth Development, and Tobacco modules in a single period?

A number of LEAs have been able to complete these and additional modules of the CHKS within a single period. WestEd, through its Assistance Centers and toll free line, is available to consult with LEAs on how to most effectively and efficiently administer the CHKS. With good planning and training of school staff, CDE believes that the required modules can be administered with good results.

DISTRICT AND SCHOOL PARTICIPATION

6. What grades must participate in the survey?

The CHKS is designed for grades five, seven, nine, and eleven. LEAs are required to administer the CHKS to each of these grades that fall within the district's grade spans. LEAs that serve nontraditional school populations should administer the survey to classrooms with students that would otherwise be in one of these grades by virtue of their age.

7. Are all schools required to participate in the survey? What about continuation schools, charter schools, alternative schools, court schools, and private schools?

Public schools that receive TUPE and/or SDFSC funds and provide alcohol, tobacco, and other drug prevention activities are required to administer the survey.

Depending on the size of the district and the district's desire for valid school level data, not all schools in the district may need to participate in the survey. Larger school districts may employ sampling methodology that involves some, but not all schools in the district. Most small districts will survey all of their schools. LEAs should consult with WestEd to determine whether their sampling methodology is appropriate.

WestEd will also consider the difficulties in administering the survey in determining the schools to be included in the survey. CDE is aware that in some school settings, it is not feasible to administer the survey because of student transience, difficulty in locating parents

or legal guardians to sign consent forms, and/or students being unable to understand or complete the survey. LEAs should follow the general rule that if the school receives TUPE and/or SDFSC funding and provides prevention services to students, the CHKS should be administered. However, where it is virtually impossible to obtain signed consent forms, such as temporary placements where students only attend for a few weeks, WestEd, in consultation with CDE may exempt a school from the survey requirement.

LEAs, under the Principle of Effectiveness (NCLB section 4115), are required to include private schools in an “assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools ... among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities.” Further, NCLB section 9105 specifies that LEAs include private schools in program planning and evaluation that includes not only needs assessment, but also services offered, services provided, how services will be assessed, and how the results will be used to improve services. The CHKS is now the means by which these assessments are to be performed. Therefore, to the extent that private schools choose to receive SDFSC services, they are subject to the requirement for participation in the CHKS.

Private schools must agree to participate in the CHKS; however, actual participation may depend on sampling methodology. If the private school is within a large LEA and there is no desire for school-level data, the private schools must be represented within the universe of schools from which the sample is drawn, but the CHKS would only be administered if the private school is randomly chosen to part of the sample.

8. The LEA is so small that it would be difficult to maintain confidentiality of individual schools and/or students when the results are released to the public. What should we do?

Some LEAs and schools are small, and public examination of the results of the survey might enable someone to deduce the identity of a respondent or group of respondents to the survey. For these LEAs, CDE advises working with your COE TUPE/SDFSC Coordinator to administer the survey with a consortium of small LEAs. Working with WestEd, the results of the CHKS can be reported out on a consortium-wide or countywide basis if the LEA and/or WestEd believe that reporting at the LEA level could breach confidentiality. While reporting CHKS results aggregated at a higher level may be less meaningful for the district and the public, it may be necessary in order to maintain the confidentiality of respondents.

9. My COE would like to schedule the CHKS so that all districts in the county administer the CHKS in the same year, and valid countywide results published; however, the next countywide survey isn't scheduled until the 2004-05 school year. My district hasn't done the CHKS before. May the district wait until 2004-05 to administer the survey, or does it have to be done in 2003-04?

CDE wishes to encourage the countywide administration of the CHKS. LEAs that have never administered the survey and have no baseline data to report on the Local Education Plan should administer the survey during the 2003-04 school year, **unless** the COE indicates that the LEA will be participating in a countywide effort during the 2004-05 school year. LEAs that have administered the CHKS but wish to skip a year in order to join a countywide survey effort may do so. However, they should consult with their COE TUPE/SDFSC Coordinator to determine whether or not there may be county resources available to administer the CHKS in two consecutive years. Additionally, COE TUPE/SDFSC Coordinators who wish to initiate countywide surveys should consult with WestEd regarding scheduling that will allow WestEd to spread survey workload evenly across two years.

10. My district intends to transfer its Title IV funding to another federal title activity under the federal Rural Education Achievement Program (REAP) provisions. If all Title IV funding is transferred, is the district required to administer the CHKS?

If 100 percent of the Title IV SDFSC funding is transferred under the REAP provisions, or refused, and if the LEA also refuses all TUPE funding, then the CHKS is not required. However, if the LEA that has opted out of all TUPE and opted or “REAPed” out of SDFSC wishes to receive funding in a subsequent year to operate alcohol, tobacco, and other drug prevention programs, the CHKS will be required as a condition of funding.

11. If the district refuses fiscal year (FY) 2003-04 Title IV funding, but carries over FY 2002-03 funding into FY 2003-04 and/or accepts TUPE grade four through eight entitlement funding, does the CHKS requirement still apply?

Use of any amount of SDFSC and/or TUPE funding in FY 2003-04 and any subsequent fiscal year, regardless of the original year of the funding, triggers the requirement for administration of the CHKS.

STUDENT PARTICIPATION AND PARENTAL CONSENT

12. Although districts are required to participate, are students required to take the survey?

No student may be required to participate in the CHKS. In addition to the CHKS being voluntary for students, LEAs must obtain active written consent from a parent or guardian before a student may participate in the survey. *Education Code* Section 51513 states, “No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs or practices in sex, family life, morality, and religion, or any questions about the pupil's parents' or guardians' beliefs and practices in sex, family life, morality, and religion, shall be administered to any pupil in kindergarten or grades one through twelve, unless the parent or guardian of the pupil is notified in writing that this test, questionnaire, survey, or examination is to be administered and the parent or guardian of the pupil gives written permission for the pupil to take this test, questionnaire, survey, or examination.”

LEAs with experience administering the survey report that obtaining parental consent is the most challenging aspect of the survey. Lack of success in obtaining sufficient numbers of consent forms adversely affects the validity of the results. CDE recommends that LEAs, as part of their survey planning, work closely with WestEd in implementing the process of parental consent. WestEd has extensive knowledge on how to plan the consent process and motivate school staff, parents, and student to return completed consent forms.

13. If a district is unable to obtain enough parental consent forms to constitute a valid sample, does it still have to administer the survey, or may it be credited with having made a good faith effort?

Due to the federal requirements, LEAs are required to administer the survey, regardless of the percentage of students for whom written consent forms are received. It should be pointed out that the federal Principles of Effectiveness also require participation of the public and parents in the assessment of strengths and needs and evaluation of impacts on performance indicators. It is in the LEA's best interests to work hard to obtain sufficient consent forms to ensure that the results are representative of students in the district and meaningful to the public participation process.

Merely distributing consent forms is not sufficient demonstration of good faith effort. LEAs should make valid attempts to maximize the return of consent forms, even where parents do not give their child permission to participate in the CHKS.

14. How has NCLB changed parental consent and notification policies as they relate to the CHKS?

The NCLB does not affect the *Education Code* standard for written parental consent for student participation in the CHKS. However, the NCLB has amended the Protection of Pupil Rights Act (20 USC Section 1232h) in the area of notification requirements that may affect LEA's procedures for the CHKS. The Protection of Pupil Rights Act (PPRA) now requires LEAs to establish procedures for notification of parents of their right to inspect the CHKS and procedures for granting access to the CHKS within a reasonable time after the request is received. These procedures must include notification, at least annually at the beginning of the school year of the approximate dates of administration of the CHKS and the parents' rights to inspect it.

Because the CHKS is often customized to meet the needs of individual school districts, LEAs should work with WestEd on the best way to make the version of the CHKS to be administered at the local level available to parents who wish to review it.

STAFF SURVEY

15. The staff survey is new. Are school staff required to participate in the survey and are districts required to administer the staff survey as well as the student survey?

The SDFSC Uniform Management Information Reporting System specifically identifies anonymous staff surveys as a required activity. Because the CHKS does not have a staff survey as a component, WestEd is working with an advisory committee that includes LEA representatives to develop it. The intent of the staff survey will be to provide information from school staff and program coordinators that will enrich districts' ability to understand and interpret the student self-report results.

The NCLB requires a staff survey and LEAs are required to administer it; however, participation by school staff will be anonymous, voluntary, and confidential. Teachers who do not wish to participate in a survey may not be required to do so, inasmuch as the survey may involve personal observations regarding school policy and climate and student conduct. *Education Code* Section 49091.24 states that:

- “A teacher shall have the right to refuse to submit to any evaluation or survey conducted by the school district concerning the following:
- (a) Personal values, attitudes, and beliefs.
 - (b) Sexual orientation.
 - (c) Political affiliations or opinions.
 - (d) Critical appraisals of other individuals with whom the teacher has a family relationship.
 - (e) Religious affiliations or beliefs.”