

HB

408



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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Sponsor Statement

HB 408

"An Act relating to questionnaires and surveys administered in the public schools."

The purpose of the proposed repeal and reenactment of AS 14.03.110 is to enable local school districts in the State of Alaska to administer anonymous questionnaires and surveys to students with passive parental consent. Additionally, this bill requires that schools must provide a parent or legal guardian at least two weeks' written notice of any survey so that parents may have the option to deny permission for their student to participate. Moreover, students may opt out at anytime, as this statute refers to voluntary, not mandatory, surveys or questionnaires.

Current statute requires active written parental consent from the parent or legal guardian for the student to participate in the survey. This has resulted in the lack of "weighted" data collection, due to the logistics and time required to collect sufficient parental permission forms. When passive parental consent was used prior to the enactment of AS 14.03.110, the State was able to collect weighted data from the Youth Risk Behavior Survey (YRBS) in both 1995 and 1999. In January of 2001 (the last YRBS cycle), the YRBS high school sample was drawn. The high school sample included 36 schools from 19 districts and sought 1,480 completed questionnaires. The goal was to get a level of participation from both schools and students to achieve an overall response rate of 60% or greater. The overall response rate for 2001 was 29%. This is far short of the 60% overall rate needed to have "weighted" or representative data. To provide a comparison, the 1999 YRBS response rate was 66% and the 1995 response rate was 64%.

Anonymous survey data results are used to help focus programs and policies for comprehensive school health education, school safety policy and education, and drug and violence prevention education. Additionally, results from surveys can also be used to:

- Monitor how priority health risk behaviors among high school (grades 9-12) and middle school (grades 7-8) students increase, decrease or remain the same over time.
- Evaluate the impact of broad national, state, and local efforts to prevent health-risk behaviors.
- Monitor progress in achieving relevant national and state health objectives and National Education Goals.
- Obtain grants for programs and services.
- Monitor and evaluate the impact of the 1997 Alaska Tobacco Tax increase.
- Support local school districts in assessment, implementation, and evaluation of comprehensive school health programs.
- Set Priorities for *statewide* comprehensive school health education teacher training and instructional programs.
- Provide comparable data between state and national results.
- Monitor progress in achieving Healthy Alaskan 2010 objectives.
- Provide the state with the most reliable and valid instrument available to assess risk behaviors of Alaskan youth.

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

February 18, 2002

SUBJECT: Public school questionnaires - HB 408

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Prohibits a public school student being given a school questionnaire or survey unless written permission is obtained from the student's parent or legal guardian, or the questionnaire or survey is anonymous or concerns a matter of public record or public observation.

Section 2. Provides that for an anonymous school questionnaire or survey written permission is not required, but the student's parent or legal guardian must get the opportunity to deny permission to take the questionnaire or survey.

Section 3. Requires that for purposes of a school questionnaire or survey under AS 14.03.110(a) or (b), the school district must provide a parent or legal guardian at least two weeks written notice of the right to grant or deny permission to take the school questionnaire or survey, before it is administered.

Section 4. Specifies the contents of the written notice required to be given a parent or legal guardian, regarding a school district questionnaire or survey.

Section 5. Provides that a student's parent or legal guardian may refuse to allow participation in a specific school questionnaire or survey by submitting written denial of permission for the student's participation.

MFF:med
02-167.med

SECTIONAL ANALYSIS

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title "An Act relating to questionnaires and surveys BRU Teaching and Learning Support
administered in the public schools" Component Special and Supplemental
 Sponsor H EDU Services
 Requester H EDU Component No. 166

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Currently, the law states that active parental permission is required before schools and districts can survey students anonymously. This bill would change the current legislation by allowing districts to gather passive parental permission before the administration of any anonymous surveys. This change would maximize the ability of school, district and state agencies to gather pertinent information about student reported behaviors that lead to early morbidity and mortality. By being able to gather credible data from students, many local and state agencies would have valid and reliable assessment data which in turn, would allow for better program planning and use of program dollars. This change would allow local and state agencies to compete effectively for limited state and federal grant funds that rely on accurate needs assessments.

Prepared by: Beth Shoher, Education Specialist
 Division: Teaching and Learning Support
 Approved by: Ed McLain
 Agency: Education and Early Development

Phone 465-2887
 Date/Time 2/19/02 10:57 AM
 Date 2/19/2002



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MEMORANDUM

DATE: February 22, 2002

TO: Representative Fred Dyson
Chair, House HESS Committee

FROM: Representative Con Bunde, Chair

RE: HB 408, "Student Questionnaires and Surveys"

I respectfully request that you schedule a hearing for HB 408 at your earliest possible convenience. I have attached copies of the bill, sponsor statement, sectional analysis, fiscal note, backup information and letters of support.

If you have any questions or concerns about this legislation, I would be happy to discuss them with you.

Thank you for your consideration of this request.

Anonymous Self-Reporting Survey Data

General Talking Points/Frequently Asked Questions.

- **What are the benefits from conducting anonymous student surveys?** State and local education agencies and communities can use results to help focus programs and policies for comprehensive school health education, school safety education and policy as well as drug and violence prevention education. Results from surveys can also be used to (1) monitor how priority health risk behaviors among high school students (grades 9-12) increase, decrease or remain the same over time; (2) evaluate the impact of broad national, state, and local efforts to prevent health-risk behaviors; (3) monitor progress in achieving relevant national and state health objectives and National Education Goals; and (4) local and state education agencies can use results to obtain grants for programs and services.
- **Will these surveys cause students to initiate or increase high-risk behaviors?** Students are exposed regularly to information about tobacco, alcohol and other drug use, violence, and sexuality through their school curricula, the media, parents, friends, and community organizations. Exposure to a small number of questions on any one topic is not likely to cause a significant change in behavior—either good or bad. **No evidence** links these surveys to subsequent suicide attempts among respondents.
- **How is student privacy and anonymity protected?** Survey administration procedures are designed to protect student privacy and allow for anonymous participation. The student completes the survey in complete anonymity, and **no** personal identifiers are recorded anywhere that could link a student to a survey form. Additionally, participation is voluntary and no student is required to participate.
- **Do students answer the questions truthfully?** Research indicates data of this nature may be gathered as reliably from adolescents as from adults. Internal reliability checks help identify the small percentage of students who falsify their answers. To obtain truthful answers, students must perceive the survey as important and know that procedures have been developed to protect their privacy and allow for anonymous participation.
- **Who uses the survey results?** Statewide survey results lend to the augmentation and refinement of prevention and intervention programs with adolescent populations. From local school districts to state and Municipal agencies such as the EED, DHSS, Department of Transportation, Department of Juvenile Justice, Department of Corrections, and Department of Public Safety; survey results are used in a variety of arenas. The Alaska State Legislature and the Office of the Governor also have utilized the findings of previous surveys for programmatic purposes.

Other Benefits to schools and communities:

- Provide data to monitor and evaluate the impact of the 1997 Alaska Tobacco Tax
- Monitor progress in achieving the National Education Goal that focuses on safe, disciplined, and drug-free schools.
- Support local school districts in assessment, implementation and evaluation of comprehensive school health programs.
- Set Priorities for *statewide* comprehensive school health education teacher training and instructional programs.
- Identify self-reported behaviors among youth, which put them at greatest risk for early morbidity and mortality.
- Provide comparable data between state and national results.
- Monitor progress in achieving Healthy Alaskan 2010 objectives.
- Support state policy development, evaluation, and/or revision.
- Provide the state with the most reliable and valid instrument available to assess risk behaviors.

Methodology for Collecting a Valid and Reliable Youth Risk Behavior Sample: Resulting Efforts of the 2001 Youth Risk Behavior Survey (YRBS)

In January of 2001, the YRBS high school sample was drawn. The high school sample included 36 schools from 19 districts and sought 1,480 completed questionnaires. The goal was to get a level of participation from both schools and students to achieve an overall response rate of 60% or greater. Twenty-four schools participated, resulting in 637 completed survey responses, far short of the 1,480. The overall response rate for 2001 was 29%. This is far short of the 60% overall rate needed to have weighted or representative data. To provide a comparison, the 1999 YRBS response rate was 66%.

Additionally, all school districts were invited to participate at the local level to collect local district level data to compare to state and national data. In previous years, more than 25 of the 53 school districts participated and received the surveys, scanning and data analysis free of charge. Of those districts, 22 received weighted data. In 2001, however, only 14 districts chose to participate. Several Districts who declined to participate confided it was because of the active parental consent law.

Of the 14 districts that participated at the local level, only four received "weighted" or useable data, and of those four, only one had more than one *school* in the district. Additionally, the multi-school district that did receive weighted data said that they would not participate again (with active consent) as it was a huge undertaking. That district mailed consent letters and explanations of the data collection process via US mail as well as sending copies home with students. When the return rate was low, they sent out another letter and augmented that effort with phone calls to parents. That effort raised the return rate, but was still short of what was necessary. At that point, they utilized village school aides to visit homes and try to get the slips signed. That final effort brought the return rate to 90%.

Other school districts made similar efforts to collect signed parental permission slips. The following is a summary of what districts around the state did during the school year of 2000 -2001 to collect enough parental permission slips to obtain weighted data YRBS data.

1. Several districts had permission slips available at registration for parents to sign. Although this worked well in some districts, many districts do not require the parent to be present at registration to activate the student for the year. Therefore, many districts fell short of reaching all parents with method.
2. Another venue that districts used to collect additional permission slips was at the fall parent/teacher conferences. Again, this was successful for some districts, especially small districts, but for larger ones it was not as successful.
3. In January, after the State YRBS sample had been drawn, many districts were still trying to collect parental permission slips. After notification of inclusion in the State sample, many of those districts sent out an additional letter to parents. By the end of February, the return rates for parental permission slips were still quite low in most districts. We offered to assist districts in their efforts by providing money for additional mailings. All districts refused our offer of funds, but did send out additional letters to parents and in some cases two additional letters. Additionally, several districts tried to increase their return rates by contacting parents by phone, and in some cases, in person.
4. Lastly, many districts used incentives to try to increase the return rates of permission slips. In some cases, these incentives cost the district money from already stretched program budgets.

Literature Review

Passive vs Active Parental Consent –How Does the Chosen Methodology Effect Parental Rights and Does it Influence the Quality of the Data Collected?

The purpose of this literature review is to specifically answer the following questions:

- 1) what does the research say about parental rights when **passive** consent is the chosen parental consent methodology,
- 2) what are the costs of active versus passive consent, and
- 3) what are the effects of **active** consent procedures on scientific validity and reliability of the data.

The following, summarizes and synthesizes the information collected in this literature search.

DEFINITIONS

Ellickson and Hawes (1989), define active and passive parental consent as follows:

- 1) **Passive parental consent:** A letter is sent home to parents informing them of the selection of their child in the sample as well as detailing information regarding the survey. Parents must send back a signed *exclusion* form, or directly inform the principal at their child's school if they **DO NOT** want their child to participate in the survey. Otherwise, parental consent is implied.
- 2) **Active parental consent:** A letter is sent to parents describing the survey and informing them of the selection of their child in the sample. Parents must send back a signed parental consent form **BEFORE** their child can participate in the survey. Under active parental consent procedures, parents who do not return a permission slip, as well as those individuals who indicate on the form that they do not want their child to participate in the survey are treated as parental refusals. The above definitions appear to be consistent through out the literature.

IS PASSIVE CONSENT "CONSENT"

A key issue in the passive consent debate revolves around the number of parents who would have refused if active consent had been used. Ellickson and Hawes, (1989) through extensive follow-up with parents from both active and passive consent procedures, found that failure to return a form is considerably more likely to reflect latent consent than latent refusal. Specifically, Ellickson and Hawes found that when parents who were informed via passive consent were asked about their decision for their child to participate or not, the great majority of parents (87%) said that yes, they had received the materials, understood them, and decided to allow their child to participate. Research indicates that carefully designed passive consent methods can avoid the negative consequences of active consent while ensuring that parents receive the consent materials, pay attention to them, and have sufficient time to refuse participation. Additionally, Catalona (1994) also found failure to return a signed active consent form is more likely to reflect apathy or inertia than objection to the research. Strasburger (1998) believes active parental consent requires overly stringent informed consent procedures, especially when applied to **anonymous confidential surveys**.

COST OF ACTIVE CONSENT VERSUS PASSIVE CONSENT

In a study of two schools, Ellickson and Hawes (1989) examined refusal rate associated with active and passive consent procedures. They found that in the school requiring passive consent 93% of the students participated, compared to 86% in the schools requiring active consent. One might assume that 86% participation is quite good for active consent, but it came at a high cost in terms of time and money. Three mailings, at least two follow-up phone calls to all non-respondents, two special parent meetings and daily reminders by classroom teacher to students to return their forms were the efforts needed to obtain an 86% participation rate. Ellickson and Hawes estimated that for a sample of 7,500 students, active consent would cost

\$112,500 and require a minimum of 20 interviewers working full time for 3 weeks to obtain the 86% participation rate. It is important to note that the estimated cost of \$112,500 was calculated in 1987, and it is with certainty that those costs would be much higher today.

SCIENTIFIC VALIDITY

Researchers who have used active consent report that it yields unacceptably low response rates (50-60%) and underrepresentation of important groups—Blacks, Asian Americans, low achievers, students with less well-educated parents, and those at risk for engaging in high risk or problem behaviors (Kearney 1983, and Anderman, Cheadle, Curry, Diehr, Shultz, Wagner, 1995). Conversely, passive consent procedures can garner response rates of 80-96% (Severson and Biglan 1989; Murry and Hannan 1990; Landis and Janes 1995). Low response rates and sample bias under active consent procedures have been and continue to be problematic in terms of collecting quality data that is generalizable and representative of the population. Although these methodological concerns can be reduced through researchers' efforts and diligence, the cost and personnel efforts required can be prohibitive (Ellikson and Hawes 1989; Kearney et al. 1983).

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

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FAX TRANSMITTAL INFORMATION SHEET

DATE: February 13, 2002

TIME: 3:38 PM

TO: Name: Karen McCarthy
Agency/Office: Rep. Bunde
Fax Number: (907) 465-3871
Comments: This is a document that was produced in 1999 and has not been revised yet for the current conversation. What is important is the second bullet on page 2 regarding FERPA. Please call with any questions!

FROM: Name: Terri Campbell
Office Number: (907) 465-8731
Fax Number: (907) 465-4156
Number of Pages Including Cover Sheet: 5

THE
FOLLOWING
DOCUMENT(S)
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Youth Risk Behavior Survey

WHY DOES DOE WANT TO DO THE YRBS IN ALASKA? WHAT DOES IT PROVIDE?

The YRBS assists the DOE and school districts throughout the state in reaching the Quality School Initiatives. The following are areas that are addressed through completion of the survey.

High Student Academic Standards and Assessment	Quality Professional Standards	School Excellence Standards	Family, School, Business and Community Network
Provide information that will assist school districts in shaping programs, services and referrals that provide students with the knowledge and skills necessary to make healthier choices. Healthier, safer students are better able to attend to other areas of instruction, including RWM, thus improving academic achievement.	Provides schools with the information necessary to implement/augment professional development opportunities for teachers surrounding current health education "best practices". Understanding what the problems are will assist districts in creating professional opportunities to educate teachers in addressing these problems successfully.	Assist schools and districts in planning and providing for safer and healthier school environments for students and staff.	Assist parents, schools and communities identify and address issues pertinent to student health and well being. By providing information, all concerned groups can address and support improved educational efforts to address the failing health and safety of students in their districts.

Other strengths for participation in the YRBS:

- Monitor progress in achieving the National Education Goal that focuses on safe, disciplined, and drug-free schools.
- Support local school districts in assessment, implementation and evaluation of comprehensive school health programs *at no charge* to the district.
- Focus *statewide* comprehensive school health education teacher training and instructional programs.
- Focus the state on behaviors among youth causing the most important health problems. Provide comparable data between state and national results.
- Monitor progress in achieving Healthy Alaskan 2000 objectives.
- Support state policy development, evaluation, and/or revision.
- Provides the state with the most reliable and valid instrument available to assess risk behaviors.

What the Alaska Department of Education can do to support the YRBS:

1. Become familiar with the purpose and "hot" questions surrounding the YRBS.
2. Look at the Alaska Law regulating family related questions the Attorney General's interpretation.
3. Consider issuing a statement from the Department of Education outlining position on what is family related information.
4. Issue a statement in support of the YRBS from the Commissioner's office.
5. Ask the State Board of Education to issue a position supporting the use of the YRBS.
6. Communicate with the Office of the Governor regarding the importance/purpose of the YRBS.
7. Review the cooperative agreement signed between the DOE and DHSS (enclosed) and review responsibilities agreed upon.

YRBS General Talking Points/ Frequently Asked Questions.

- **How will education agencies and schools benefit from conduction the YRBS?** Results can be used to help focus programs and policies for HIV prevention education, comprehensive school health education, school safety education and policy as well as drug and violence prevention education. Results from the survey can also be used to (1) monitor how priority health risk behaviors among high school students (grades 9-12) increase, decrease or remain the same over time; (2) evaluate the impact of broad national, state, and local efforts to prevent health-risk behaviors; (3) monitor progress in achieving relevant national and state health objectives and National Education Goals.
- **Does the YRBS contradict the Protection of Pupil Rights (also known as the Buckley Amendment) and the Family Educational Rights and Privacy Act of 1974 (FERPA)?** Each of these federal laws is specific in its protection of student's rights and privacy when information is part of a student's educational record or when a student is required to participate in a project where personal information is revealed. Both are tied to the United States Department of Education, and are relevant to any survey conducted and paid for with those funds. The US DOE neither conducts the YRBS nor are USDOE funds used to pay the expense of the survey. Additionally, these laws relate to surveys that are *required* and when *the results will be placed in the student's record*. Neither is the case with the YRBS. Schools who choose to participate in the YRBS are not in violation of federal laws protecting student's rights and privacy because the YRBS is anonymous and voluntary.
- **What is the focus of the YRBS?** The survey focus on priority health risk behaviors established during youth that result in the most significant mortality and morbidity during both youth and adulthood. The behaviors included are ones that the student has complete choice when making (i.e. no questions are asked about genetic predisposition, handicapping situations, etc). They include behaviors that (1) result in unintentional and intentional injuries; (2) tobacco use; (3) alcohol and other drug use; (4) sexual behaviors that result in HIV infection, other sexually transmitted diseases (STD's), and unintended pregnancies; (5) dietary behaviors; and (6) physical activity.
- **Will this survey cause students to initiate or increase high risk behaviors?** The causes and determinants of health-risk behaviors are very complex. Students are exposed regularly to information about tobacco, alcohol and other drug use, violence, and sexuality through their school curricula, the media, parents, friends, and community organizations. Exposure to a small number of questions on any one topic is not likely to cause a significant change in behavior-either good or bad. Because suicide is the third leading cause of death among adolescents, it is particularly important to ask questions about suicide-related behaviors. Suicide questions have been asked in previous school based surveys of adolescents. No evidence links these surveys to subsequent suicide attempts among respondents.
- **Is student participation anonymous? How is student privacy protected?** Survey administration procedures are designed to protect student privacy and allow for anonymous participation. Students submit a completely optically scannable questionnaire booklet containing no personal identifiers. Additionally, Alaska provides manila envelopes for students to seal their survey in, as an extra measure of confidentiality.
- **Do students answer the questions truthfully?** Research indicates data of this nature may be gathered as reliably from adolescents as from adults. Internal reliability checks help identify the small percentage of students who falsify their answers. To obtain truthful answers, students must perceive the survey as important and know that procedures have been developed to protect their privacy and allow for anonymous participation.
- **Who supports the YRBS?** Both nationally and state wide, the survey results lend to the augmentation and refinement of prevention and intervention programs with adolescent populations. From local school districts to state agencies such as the DOE, DHSS, Department of Transportation, Department of criminal justice, Department of Corrections, Department of Public Safety, the survey results have offered several years of pertinent and relevant information. The Alaska State Legislature and the Office of the Governor also have utilized the findings of this survey for programmatic purposes.

CAUSES OF DEATH AMONG YOUTH AGES 5-24 YEARS: (NATION WIDE)

- Motor vehicle crash - 28%
- Other unintentional injury - 11%
- Homicide - 21%
- Suicide - 12%
- All other causes - 28%

CAUSES OF DEATH AMONG YOUTH AGES 5-24 YEARS: (ALASKA SPECIFIC, 1995)

- Motor vehicle crash - 26%
- Other unintentional injury - 33%
- Homicide - 7%
- Suicide - 17%
- All other causes - 17%

** Vast differences in Other unintentional injury may result from reporting classification, increased death specifically related to subsistence living (i.e., fishing/drowning, gun shots not related to homicide etc.)

GOALS 2000: EDUCATE AMERICA ACT

MARCH 21, 1994.—Ordered to be printed

SEC. 1017. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act (20 U.S.C. 1232g) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section."

1999 Youth Risk Behavior Survey Results

Alaska (Excluding Anchorage) High School Survey

		Unweighted (N)	Weighted (Percent)
Q1. How old are you?			
1	12 years old or younger	2	0.1
2	13 years old	3	0.2
3	14 years old	164	9.7
4	15 years old	433	27.4
5	16 years old	412	28.4
6	17 years old	249	20.4
7	18 years old or older	149	13.8
	Missing	15	
Q2. What is your sex?			
1	Female	696	47.5
2	Male	710	52.5
	Missing	21	
Q3. In what grade are you?			
1	9th grade	522	31.7
2	10th grade	374	25.8
3	11th grade	307	21.8
4	12th grade	205	20.5
5	Ungraded or other grade	2	0.1
	Missing	17	
Q4. How do you describe yourself? (Select one or more responses.)			
1	American Indian/Alaska Native	237	16.7
2	Asian	25	1.9
3	Black or African American	41	2.8
4	Hispanic or Latino	30	2.4
5	Native Hawaiian/other Pacific Islander	12	0.9
6	White	987	70.3
7	Multiple – Hispanic	15	1
8	Multiple – Non-Hispanic	58	4.2
	Missing	22	
Q5. Height in meters			
Q6. Weight in kilograms			

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q7. When you rode a motorcycle during the past 12 months, how often did you wear a helmet?			
1	Did not ride a motorcycle	964	66.8
2	Never	106	8
3	Rarely	28	2.1
4	Sometimes	41	3.1
5	Most of the time	69	5
6	Always	210	15.1
	Missing	9	
Q8. When you rode a bicycle during the past 12 months, how often did you wear a helmet?			
1	Did not ride a bicycle	253	18.4
2	Never	859	61.8
3	Rarely	102	6.8
4	Sometimes	64	4
5	Most of the time	77	5.1
6	Always	62	3.8
	Missing	10	
Q9. How often do you wear a seat belt when riding in a car driven by someone else?			
1	Never	105	7.4
2	Rarely	169	11.9
3	Sometimes	238	16.5
4	Most of the time	428	30.3
5	Always	479	33.8
	Missing		
Q10. During the past 30 days, how many times did you ride in a car or other vehicle driven by someone who had been drinking alcohol?			
1	0 times	1,007	69.9
2	1 time	146	11.2
3	2 or 3 times	147	10.3
4	4 or 5 times	33	2.5
5	6 or more times	82	6
	Missing	12	
Q11. During the past 30 days, how many times did you drive a car or other vehicle when you had been drinking alcohol?			
1	0 times	1,231	86.1
2	1 time	63	4.7
3	2 or 3 times	55	4.2
4	4 or 5 times	22	1.7
5	6 or more times	44	3.2
	Missing	12	

		Unweighted (N)	Weighted (Percent)
Q12. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club?			
1	0 days	1,078	76.6
2	1 day	46	3.2
3	2 or 3 days	69	5.2
4	4 or 5 days	23	1.7
5	6 or more days	175	13.3
	Missing	36	

Q13. During the past 30 days, on how many days did you carry a gun?

1	0 days	1,300	92.1
2	1 day	32	2.3
3	2 or 3 days	28	2.1
4	4 or 5 days	7	0.5
5	6 or more days	38	3
	Missing	22	

Q14. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club on school property?

1	0 days	1,253	88.6
2	1 day	26	1.9
3	2 or 3 days	25	1.9
4	4 or 5 days	7	0.5
5	6 or more days	97	7.2
	Missing	19	

Q15. During the past 30 days, how many days did you not go to school because you felt you would be unsafe at school or on your way to or from school?

1	0 days	1,373	96.3
2	1 day	19	1.3
3	2 or 3 days	11	0.7
4	4 or 5 days	6	0.4
5	6 or more days	17	1.3
	Missing	1	

Q16. During the past 12 months, how many times has someone threatened or injured you with a weapon such as a gun, knife, or club on school property?

1	0 times	1,298	90.8
2	1 time	54	3.9
3	2 or 3 times	21	1.5
4	4 or 5 times	6	0.4
5	6 or 7 times	3	0.2
6	8 or 9 times	7	0.6
7	10 or 11 times	2	0.1
8	12 or more times	35	2.5
	Missing	1	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q17. During the past 12 months, how many times were you in a physical fight?			
1	0 times	934	65.8
2	1 time	189	13.7
3	2 or 3 times	154	11.1
4	4 or 5 times	37	2.6
5	6 or 7 times	21	1.6
6	8 or 9 times	14	1.1
7	10 or 11 times	4	0.3
8	12 or more times	55	3.9
	Missing	19	
Q18. During the past 12 months, how many times were you in a physical fight in which you were injured and had to be treated by a doctor or nurse?			
1	0 times	1,353	95.5
2	1 time	36	2.5
3	2 or 3 times	5	0.4
4	4 or 5 times	4	0.3
5	6 or more times	18	1.3
	Missing	11	
Q19. During the past 12 months, how many times were you in a physical fight on school property?			
1	0 times	1,192	84.1
2	1 time	128	9.3
3	2 or 3 times	46	3.1
4	4 or 5 times	13	0.9
5	6 or 7 times	5	0.3
6	8 or 9 times	3	0.3
7	10 or 11 times	1	0.1
8	12 or more times	24	1.9
	Missing	15	
Q20. During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?			
1	Yes	142	10.5
2	No	1,282	89.5
	Missing	3	
Q21. Have you ever been forced to have sexual intercourse when you did not want to?			
1	Yes	140	10
2	No	1,277	90
	Missing	10	

		Unweighted (N)	Weighted (Percent)
Q22. During the past 12 months, did you ever feel so sad or hopeless almost every day for two weeks or more in a row that you stopped doing some usual activities?			
1	Yes	346	24.3
2	No	1,079	75.7
	Missing	2	
Q23. During the past 12 months, did you ever seriously consider attempting suicide?			
1	Yes	272	18.5
2	No	1,133	81.5
	Missing	22	
Q24. During the past 12 months, did you make a plan about how you would attempt suicide?			
1	Yes	224	15.5
2	No	1,201	84.5
	Missing	2	
Q25. During the past 12 months, how many times did you actually attempt suicide?			
1	0 times	1,187	92.3
2	1 time	54	3.9
3	2 or 3 times	33	2.3
4	4 or 5 times	3	0.2
5	6 or more times	17	1.4
	Missing	133	
Q26. If you attempted suicide during the past 12 months, did any attempt result in an injury, poisoning, or overdose that had to be treated by a doctor or nurse?			
1	Did not attempt suicide	1,181	91.4
2	Yes	36	2.7
3	No	83	5.9
	Missing	127	
Q27. Have you ever tried cigarette smoking, even one or two puffs?			
1	Yes	991	71.5
2	No	415	28.5
	Missing	21	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q28. How old were you when you smoked a whole cigarette for the first time?			
1	Never smoked a cigarette	532	37.6
2	8 years old or younger	103	7.8
3	9 or 10 years old	117	8.2
4	11 or 12 years old	238	17
5	13 or 14 years old	275	19.9
6	15 or 16 years old	100	7.4
7	17 years old or older	20	2
	Missing	42	
Q29. During the past 30 days, on how many days did you smoke cigarettes?			
1	0 days	929	66.1
2	1 or 2 days	91	6.8
3	3 to 5 days	41	2.8
4	6 to 9 days	33	2.4
5	10 to 19 days	50	3.7
6	20 to 29 days	64	4.5
7	All 30 days	178	13.6
	Missing	41	
Q30. During the past 30 days, on the days you smoked, how many cigarettes did you smoke per day?			
1	Did not smoke	929	65.8
2	Less than 1 per day	74	5.4
3	1 cigarette per day	69	5
4	2 to 5 cigarettes per day	203	14.5
5	6 to 10 cigarettes per day	69	5.4
6	11 to 20 cigarettes per day	24	2
7	More than 20 per day	25	1.9
	Missing	34	
Q31. During the past 30 days, how did you usually get your own cigarettes?			
1	Did not smoke cigarettes	930	66.4
2	Store	42	3.4
3	Vending machine	1	0.1
4	Someone else bought them	160	11.9
5	Borrowed them	150	11.1
6	Stole them	27	1.9
7	Some other way	73	5.3
	Missing	44	
Q32. When you bought cigarettes in a store during the past 30 days, were you ever asked to show proof of age?			
1	Did not buy cigarettes	1,276	88.9
2	Yes	53	4.4
3	No	93	6.7
	Missing	5	

		Unweighted (N)	Weighted (Percent)
Q33. During the past 30 days, on how many days did you smoke cigarettes on school property?			
1	0 days	1,223	86.8
2	1 or 2 days	63	4.4
3	3 to 5 days	30	2.1
4	6 to 9 days	29	2.2
5	10 to 19 days	12	0.8
6	20 to 29 days	10	0.7
7	All 30 days	40	3
	Missing	20	

Q34. Have you ever smoked cigarettes regularly, that is, at least one cigarette every day for 30 days?			
1	Yes	385	28.5
2	No	1,019	71.5
	Missing	23	

Q35. Have you ever tried to quit smoking cigarettes?			
1	Yes	482	36.2
2	No	866	63.8
	Missing	79	

Q36. During the past 30 days, on how many days did you use chewing tobacco or snuff, such as Redman, Levi Garrett, Beechnut, Skoal, Skoal Bandits, or Copenhagen?			
1	0 days	1,198	84.6
2	1 or 2 days	69	5
3	3 to 5 days	30	2.2
4	6 to 9 days	20	1.6
5	10 to 19 days	23	1.6
6	20 to 29 days	14	1.1
7	All 30 days	54	4.1
	Missing	19	

Q37. During the past 30 days, on how many days did you use chewing tobacco or snuff on school property?			
1	0 days	1,276	90.1
2	1 or 2 days	40	3.1
3	3 to 5 days	18	1.2
4	6 to 9 days	17	1.2
5	10 to 19 days	11	0.9
6	20 to 29 days	10	0.8
7	All 30 days	36	2.8
	Missing	19	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q38. During the past 30 days, on how many days did you smoke cigars, cigarillos, or little cigars?			
1	0 days	1,265	88.3
2	1 or 2 days	91	6.8
3	3 to 5 days	31	2.2
4	6 to 9 days	9	0.7
5	10 to 19 days	3	0.2
6	20 to 29 days	2	0.2
7	All 30 days	21	1.6
	Missing	5	
Q39. During your life, on how many days have you had at least one drink of alcohol?			
1	0 days	275	19.8
2	1 or 2 days	149	10.7
3	3 to 9 days	224	16.6
4	10 to 19 days	154	11.7
5	20 to 39 days	145	11.1
6	40 to 99 days	153	12.6
7	100 or more days	215	17.5
	Missing	112	
Q40. How old were you when you had your first drink of alcohol other than a few sips?			
1	Never drank alcohol	272	19.5
2	8 years old or younger	147	11.4
3	9 or 10 years old	119	9.1
4	11 or 12 years old	182	13.5
5	13 or 14 years old	392	29.3
6	15 or 16 years old	192	15.5
7	17 years old or older	18	1.7
	Missing	105	
Q41. During the past 30 days, on how many days did you have at least one drink of alcohol?			
1	0 days	749	53.1
2	1 or 2 days	267	19.3
3	3 to 5 days	160	11.8
4	6 to 9 days	105	8.4
5	10 to 19 days	55	4.4
6	20 to 29 days	17	1.2
7	All 30 days	24	1.9
	Missing	50	

		Unweighted (N)	Weighted (Percent)
Q42. During the past 30 days, on how many days did you have five or more drinks of alcohol in a row, that is, within a couple of hours?			
1	0 days	942	65.6
2	1 day	134	10.1
3	2 days	102	7.3
4	3 to 5 days	103	7.7
5	6 to 9 days	72	5.6
6	10 to 19 days	25	1.9
7	20 or more days	22	1.8
	Missing	27	
Q43. During the past 30 days, on how many days did you have at least one drink of alcohol on school property?			
1	0 days	1,326	93.7
2	1 or 2 days	53	3.6
3	3 to 5 days	11	0.8
4	6 to 9 days	3	0.2
5	10 to 19 days	7	0.6
6	20 to 29 days	1	0.1
7	All 30 days	14	1.1
	Missing	12	
Q44. During your life, how many times have you used marijuana?			
1	0 times	635	42.9
2	1 or 2 times	146	10.6
3	3 to 9 times	141	10.4
4	10 to 19 times	77	5.7
5	20 to 39 times	85	5.9
6	40 to 99 times	81	6.1
7	100 or more times	239	18.3
	Missing	23	
Q45. How old were you when you tried marijuana for the first time?			
1	Never tried marijuana	635	42.7
2	8 years old or younger	55	4.2
3	9 or 10 years old	41	2.9
4	11 or 12 years old	142	9.9
5	13 or 14 years old	359	26.2
6	15 or 16 years old	159	12.2
7	17 years old or older	20	1.9
	Missing	16	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q46. During the past 30 days, how many times did you use marijuana?			
1	0 times	991	69.3
2	1 or 2 times	123	9
3	3 to 9 times	97	6.9
4	10 to 19 times	62	4.5
5	20 to 39 times	46	3.5
6	40 or more times	87	6.8
	Missing	21	
Q47. During the past 30 days, how many times did you use marijuana on school property?			
1	0 times	1,285	91
2	1 or 2 times	41	3
3	3 to 9 times	35	2.6
4	10 to 19 times	19	1.4
5	20 to 39 times	2	0.1
6	40 or more times	26	1.9
	Missing	19	
Q48. During your life, how many times have you used any form of cocaine, including powder, crack, or freebase?			
1	0 times	1,295	91.2
2	1 or 2 times	45	3.5
3	3 to 9 times	23	1.7
4	10 to 19 times	12	1
5	20 to 39 times	7	0.5
6	40 or more times	28	2.1
	Missing	17	
Q49. During the past 30 days, how many times did you use any form of cocaine, including powder, crack, or freebase?			
1	0 times	1,354	95.9
2	1 or 2 times	21	1.7
3	3 to 9 times	10	0.7
4	10 to 19 times	2	0.2
5	20 to 39 times	3	0.2
6	40 or more times	18	1.3
	Missing	19	
Q50. During your life, how many times have you sniffed glue, or breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?			
1	0 times	1,213	85.5
2	1 or 2 times	98	7
3	3 to 9 times	46	3.4
4	10 to 19 times	20	1.5
5	20 to 39 times	12	0.8
6	40 or more times	28	1.9
	Missing	10	

		Unweighted (N)	Weighted (Percent)
Q51. During the past 30 days, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?			
1	0 times	1,353	95.7
2	1 or 2 times	25	1.6
3	3 to 9 times	17	1.2
4	10 to 19 times	6	0.4
5	20 to 39 times	2	0.1
6	40 or more times	12	0.9
	Missing	12	
Q52. During your life, how many times have you used heroin (also called smack, junk, or China White)?			
1	0 times	1,371	96.1
2	1 or 2 times	17	1.4
3	3 to 9 times	6	0.5
4	10 to 19 times	4	0.3
5	20 to 39 times	6	0.5
6	40 or more times	17	1.2
	Missing	6	
Q53. During your life, how many times have you used methamphetamines (also called speed, crystal, crank, or ice)?			
1	0 times	1,277	89.1
2	1 or 2 times	67	4.9
3	3 to 9 times	23	1.8
4	10 to 19 times	19	1.5
5	20 to 39 times	8	0.6
6	40 or more times	27	2
	Missing	6	
Q54. During your life, how many times have you taken steroid pills or shots without a doctor's prescription?			
1	0 times	1,357	95
2	1 or 2 times	26	1.9
3	3 to 9 times	14	1.1
4	10 to 19 times	5	0.3
5	20 to 39 times	5	0.5
6	40 or more times	16	1.2
	Missing	4	
Q55. During your life, how many times have you used a needle to inject any illegal drug into your body?			
1	0 times	1,377	96.5
2	1 time	18	1.5
3	2 or more times	27	2
	Missing	5	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q56. During the past 12 months, has anyone offered, sold, or given you an illegal drug on school property?			
1	Yes	402	29
2	No	1,014	71
	Missing	11	
Q57. Have you ever had sexual intercourse?			
1	Yes	564	43.3
2	No	809	56.7
	Missing	54	
Q58. How old were you when you had sexual intercourse for the first time?			
1	Never had sexual intercourse	808	56.7
2	11 years old or younger	56	4.1
3	12 years old	40	2.9
4	13 years old	85	6.3
5	14 years old	133	9.8
6	15 years old	138	10.4
7	16 years old	75	6.2
8	17 years old or older	37	3.6
	Missing	55	
Q59. During your life, with how many people have you had sexual intercourse?			
1	Never had sexual intercourse	806	56.7
2	1 person	203	15.7
3	2 people	97	7.2
4	3 people	82	6.3
5	4 people	54	4.1
6	5 people	23	1.8
7	6 or more people	102	8.2
	Missing	60	
Q60. During the past three months, with how many people did you have sexual intercourse?			
1	Never had sexual intercourse	807	56.7
2	None during past 3 months	220	16.4
3	1 person	251	19.9
4	2 people	45	3.4
5	3 people	15	1.2
6	4 people	3	0.2
7	5 people	1	0.1
8	6 or more people	27	2.1
	Missing	58	

		Unweighted (N)	Weighted (Percent)
Q61. Did you drink alcohol or use drugs before you had sexual intercourse the last time?			
1	Never had sexual intercourse	808	56.6
2	Yes	179	13.7
3	No	387	29.7
	Missing	53	
Q62. The last time you had sexual intercourse, did you or your partner use a condom?			
1	Never had sexual intercourse	804	56.9
2	Yes	353	26.5
3	No	204	16.6
	Missing	66	
Q63. The last time you had sexual intercourse, what one method did you or your partner use to prevent pregnancy?			
1	Never had sexual intercourse	808	57.6
2	No method was used	82	6.4
3	Birth control pills	6	5.6
4	Condoms	286	21.6
5	Depo-Provera	30	2.4
6	Withdrawal	49	4.1
7	Some other method	10	0.8
8	Not sure	21	1.5
	Missing	75	
Q64. How many times have you been pregnant or gotten someone pregnant?			
1	0 times	1,316	93.2
2	1 time	42	3.3
3	2 or more times	16	1.2
4	Not sure	30	2.3
	Missing	23	
Q65. How do you describe your weight?			
1	Very underweight	26	1.8
2	Slightly underweight	185	13.2
3	About the right weight	745	52.3
4	Slightly overweight	409	29
5	Very overweight	53	3.7
	Missing	9	
Q66. Which of the following are you trying to do about your weight?			
1	Lose weight	614	42.6
2	Gain weight	217	16.2
3	Stay the same weight	219	15.3
4	Not trying to do anything	366	25.9
	Missing	11	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Weighted (Percent)
Q67. During the past 30 days, did you exercise to lose weight or to keep from gaining weight?			
1	Yes	814	57.3
2	No	594	42.7
	Missing	19	
Q68. During the past 30 days, did you eat less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight?			
1	Yes	576	40.1
2	No	841	59.9
	Missing	10	
Q69. During the past 30 days, did you go without eating for 24 hours or more (also called fasting) to lose weight or to keep from gaining weight?			
1	Yes	177	11.9
2	No	1,235	88.1
	Missing	15	
Q70. During the past 30 days, did you take any diet pills, powders, or liquids without a doctor's advice to lose weight?			
1	Yes	101	7.1
2	No	1,313	92.9
	Missing	13	
Q71. During the past 30 days, did you vomit or take laxatives to lose weight or to keep from gaining weight?			
1	Yes	76	5.2
2	No	1,338	94.8
	Missing	13	
Q72. During the past seven days, how many times did you drink 100% fruit juices such as orange juice, apple juice, or grape juice?			
1	Not during the past 7 days	216	15.4
2	1 to 3 times past 7 days	447	31.8
3	4 to 6 times past 7 days	290	20.2
4	1 time per day	123	8.8
5	2 times per day	155	10.8
6	3 times per day	101	7
7	4 or more times per day	83	6.1
	Missing	12	

		Unweighted (N)	Weighted (Percent)
Q73. During the past seven days, how many times did you eat fruit?			
1	Not during the past 7 days	134	9.4
2	1 to 3 times past 7 days	485	35
3	4 to 6 times past 7 days	329	23
4	1 time per day	169	11.9
5	2 times per day	162	11.3
6	3 times per day	76	5.5
7	4 or more times per day	56	4
	Missing	16	

Q74. During the past seven days, how many times did you eat green salad?

1	Not during the past 7 days	394	27.6
2	1 to 3 times past 7 days	609	42.8
3	4 to 6 times past 7 days	207	14.8
4	1 time per day	136	9.7
5	2 times per day	39	3
6	3 times per day	6	0.5
7	4 or more times per day	23	1.7
	Missing	13	

Q75. During the past seven days, how many times did you eat potatoes?

1	Not during the past 7 days	344	23.5
2	1 to 3 times past 7 days	754	53.6
3	4 to 6 times past 7 days	206	14.7
4	1 time per day	70	5.1
5	2 times per day	21	1.6
6	3 times per day	6	0.5
7	4 or more times per day	16	1.1
	Missing	10	

Q76. During the past seven days, how many times did you eat carrots?

1	Not during the past 7 days	551	38.8
2	1 to 3 times past 7 days	594	42.1
3	4 to 6 times past 7 days	154	10.7
4	1 time per day	71	5.2
5	2 times per day	22	1.6
6	3 times per day	9	0.6
7	4 or more times per day	15	1
	Missing	11	

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		Unweighted (N)	Weighted (Percent)
Q77. During the past seven days, how many times did you eat other vegetables?			
1	Not during the past 7 days	171	12.2
2	1 to 3 times past 7 days	551	39.3
3	4 to 6 times past 7 days	354	24.3
4	1 time per day	186	13.2
5	2 times per day	96	7.1
6	3 times per day	26	1.8
7	4 or more times per day	30	2.1
	Missing	13	

Q78. During the past seven days, how many glasses of milk did you drink?			
1	Not during the past 7 days	158	11.3
2	1 to 3 glasses past 7 days	266	18.5
3	4 to 6 glasses past 7 days	257	18.2
4	1 glass per day	186	13.1
5	2 glasses per day	242	16.8
6	3 glasses per day	152	11.3
7	4 or more glasses per day	151	10.8
	Missing	15	

Q79. On how many of the past seven days did you exercise or participate in physical activities for at least 20 minutes that made you sweat and breathe hard?			
1	0 days	182	13.1
2	1 day	88	5.9
3	2 days	131	9.2
4	3 days	174	12.3
5	4 days	149	10.6
6	5 days	220	15.5
7	6 days	136	9.9
8	7 days	337	23.5
	Missing	10	

Q80. On how many of the past seven days did you participate in physical activity for at least 30 minutes that did not make you sweat or breathe hard?			
1	0 days	402	28
2	1 day	153	10.5
3	2 days	179	13
4	3 days	170	11.7
5	4 days	116	8.2
6	5 days	91	6.6
7	6 days	44	3.4
8	7 days	261	18.7
	Missing	11	

		Unweighted (N)	Weighted (Percent)
Q81. On how many of the past seven days did you do exercises to strengthen or tone your muscles, such as push-ups, sit-ups, or weight lifting?			
1	0 days	288	20.6
2	1 day	122	8.4
3	2 days	152	10.9
4	3 days	192	13.6
5	4 days	166	11.4
6	5 days	182	12.9
7	6 days	88	6.4
8	7 days	224	15.9
	Missing	13	
Q82. On an average school day, how many hours do you watch TV?			
1	No TV on average school day	151	11
2	Less than 1 hour per day	238	17
3	1 hour per day	227	16.2
4	2 hours per day	329	23.1
5	3 hours per day	236	16.9
6	4 hours per day	112	8.1
7	5 or more hours per day	114	7.7
	Missing	20	
Q83. In an average week when you are in school, on how many days do you go to physical education (PE) classes?			
1	0 days	638	49.6
2	1 day	8	0.6
3	2 days	10	0.8
4	3 days	102	7.7
5	4 days	280	19.8
6	5 days	284	21.5
	Missing	105	
Q84. During an average physical education (PE) class, how many minutes do you spend actually exercising or playing sports?			
1	Do not take PE	638	49.6
2	Less than 10 minutes	21	1.5
3	10 to 20 minutes	59	4.1
4	21 to 30 minutes	107	7.9
5	More than 30 minutes	497	37
	Missing	105	
Q85. During the past 12 months, on how many sports teams did you play?			
1	0 teams	479	34
2	1 team	336	23.8
3	2 teams	288	20.3
4	3 or more teams	313	21.8
	Missing	11	

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		Unweighted (N)	Weighted (Percent)
Q86. During the past 12 months, how many times were you injured while exercising, playing sports, or being physically active and had to be treated by a doctor or nurse?			
1	0 times	781	55.4
2	1 time	299	21.1
3	2 times	189	13.5
4	3 times	70	4.8
5	4 times	19	1.3
6	5 or more times	55	4
	Missing	14	

Q87. Have you ever been taught about AIDS or HIV infection in school?

1	Yes	1,254	88.5
2	No	86	6.3
3	Not sure	76	5.2
	Missing	11	

1999 Youth Risk Behavior Survey Results
 Alaska (Excluding Anchorage) Middle School Survey

		Unweighted (N)	Unweighted (Percent)
Q1. How old are you?			
1	10 years old or younger	1	0.1
2	11 years old	6	0.6
3	12 years old	106	10.9
4	13 years old	422	43.3
5	14 years old	409	42
6	15 years old	24	2.5
7	16 years old or older	6	0.6
	Missing	1	
Q2. What is your sex?			
1	Female	493	50.9
2	Male	475	49.1
	Missing	7	
Q3. In what grade are you?			
1	6th grade	12	1.2
2	7th grade	349	36.2
3	8th grade	596	61.8
4	Other	7	0.7
	Missing	11	
Q4. How do you describe yourself?			
1	American Indian or Alaska Native	251	26.4
2	Asian	16	1.7
3	Black or African American	14	1.5
4	Hispanic or Latino	13	1.4
5	Native Hawaiian/other Pacific Islander	8	0.8
6	White	576	60.7
7	Multiple - Hispanic	7	0.7
8	Multiple - Non-Hispanic	64	6.7
	Missing	26	
Q5. Height in meters			
Q6. Weight in kilograms			
Q7. How often do you wear a seat belt when riding in a car?			
1	Never	87	9
2	Rarely	109	11.2
3	Sometimes	208	21.5
4	Most of the time	305	31.5
5	Always	260	26.8
	Missing	6	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Unweighted (Percent)
Q8. When you ride a bicycle, how often do you wear a helmet?			
1	Do not ride a bicycle	60	6.2
2	Never	556	57.5
3	Rarely	140	14.5
4	Sometimes	80	8.3
5	Most of the time	88	9.1
6	Always	43	4.4
	Missing	8	
Q9. When you rollerblade or ride a skateboard, how often do you wear a helmet?			
1	Do not rollerblade/skateboard	348	35.9
2	Never	419	43.2
3	Rarely	76	7.8
4	Sometimes	47	4.9
5	Most of the time	35	3.6
6	Always	44	4.5
	Missing	6	
Q10. Have you ever ridden in a car driven by someone who had been drinking alcohol?			
1	Yes	378	39
2	No	436	45
3	Not sure	155	16
	Missing	6	
Q11. Have you ever carried a weapon, such as a gun, knife, or club?			
1	Yes	502	52
2	No	464	48
	Missing	9	
Q12. Have you ever been in a physical fight?			
1	Yes	591	61.6
2	No	369	38.4
	Missing	15	
Q13. Have you ever been in a physical fight in which you were hurt and had to be treated by a doctor or nurse?			
1	Yes	69	7.2
2	No	896	92.8
	Missing	10	
Q14. Have you ever seriously thought about killing yourself?			
1	Yes	240	24.8
2	No	729	75.2
	Missing	6	

		Unweighted (N)	Unweighted (Percent)
Q15. Have you ever made a plan about how you would kill yourself?			
1	Yes	193	19.9
2	No	778	80.1
	Missing	4	
Q16. Have you ever tried to kill yourself?			
1	Yes	111	11.4
2	No	859	88.6
	Missing	5	
Q17. Have you ever tried cigarette smoking, even one or two puffs?			
1	Yes	535	57.3
2	No	398	42.7
	Missing	2	
Q18. How old were you when you smoked a whole cigarette for the first time?			
1	Never smoked a cigarette	524	55.7
2	8 years old or younger	73	7.8
3	9 years old	46	4.9
4	10 years old	64	6.8
5	11 years old	63	6.7
6	12 years old	93	9.9
7	13 years old	65	6.9
8	14 years old or older	12	1.3
	Missing	35	
Q19. During the past 30 days, on how many days did you smoke cigarettes?			
1	0 days	739	79
2	1 or 2 days	56	6
3	3 to 5 days	28	3
4	6 to 9 days	25	2.7
5	10 to 19 days	24	2.6
6	20 to 29 days	20	2.1
7	All 30 days	44	4.7
	Missing	39	
Q20. During the past 30 days, on the days you smoked, how many cigarettes did you smoke per day?			
1	Did not smoke cigarettes	733	78.8
2	Less than 1 cigarette	55	5.9
3	1 cigarette	38	4.1
4	2 to 5 cigarettes	71	7.6
5	6 to 10 cigarettes	23	2.5
6	11 to 20 cigarettes	5	0.5
7	More than 20 cigarettes	5	0.5
	Missing	45	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Unweighted (Percent)
Q21. During the past 30 days, how did you usually get your own cigarettes?			
1	Did not smoke cigarettes	732	79
2	Store	4	0.4
4	Someone else bought them	59	6.4
5	Borrowed them	63	6.8
6	Stole them	24	2.6
7	Some other way	44	4.8
	Missing	49	
Q22. When you bought cigarettes in a store during the past 30 days, were you ever asked to show proof of age?			
1	Did not buy cigarettes	875	92.1
2	Yes	14	1.5
3	No	61	6.4
	Missing	25	
Q23. Have you ever smoked cigarettes regularly, that is, at least one cigarette, every day for 30 days?			
1	Yes	155	16.4
2	No	793	83.6
	Missing	27	
Q24. During the past 30 days, on how many days did you use chewing tobacco or snuff, such as Redman, Levi Garrett, Beechnut, Skoal, Skoal Bandits, or Copenhagen?			
1	0 days	881	91.9
2	1 or 2 days	27	2.8
3	3 to 5 days	13	1.4
4	6 to 9 days	5	0.5
5	10 to 19 days	9	0.9
6	20 to 29 days	5	0.5
7	All 30 days	19	2
	Missing	16	
Q25. During the past 30 days, on how many days did you smoke cigars, cigarillos, or little cigars?			
1	0 days	900	93.2
2	1 or 2 days	39	4
3	3 to 5 days	4	0.4
4	6 to 9 days	8	0.8
5	10 to 19 days	3	0.3
6	20 to 29 days	1	0.1
7	All 30 days	11	1.1
	Missing	9	

		Unweighted (N)	Unweighted (Percent)
Q26. Have you ever had a drink of alcohol, other than a few sips?			
1	Yes	450	49.2
2	No	465	50.8
	Missing	60	

Q27. How old were you when you had your first drink of alcohol other than a few sips?			
1	Never drank alcohol	452	50.2
2	8 years old or younger	85	9.4
3	9 years old	35	3.9
4	10 years old	41	4.6
5	11 years old	64	7.1
6	12 years old	108	12
7	13 years old	89	9.9
8	14 years old or older	27	3
	Missing	74	

Q28. Have you ever used marijuana?			
1	Yes	274	28.9
2	No	674	71.1
	Missing	27	

Q29. How old were you when you first tried marijuana for the first time?			
1	Never tried marijuana	672	71
2	8 years old or younger	35	3.7
3	9 years old	20	2.1
4	10 years old	26	2.7
5	11 years old	54	5.7
6	12 years old	64	6.8
7	13 years old	60	6.3
8	14 years old or older	15	1.6
	Missing	29	

Q30. Have you ever used any form of cocaine, including powder, crack, or freebase?			
1	Yes	55	5.7
2	No	907	94.3
	Missing	13	

Q31. Have you ever sniffed glue, or breathed the contents of spray cans, or inhaled any paints or sprays to get high?			
1	Yes	116	12
2	No	853	88
	Missing	6	

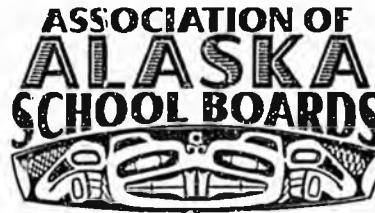
Youth Risk Behavior Survey-1999

		Unweighted (N)	Unweighted (Percent)
Q32. Have you ever used steroids?			
1	Yes	26	2.7
2	No	943	97.3
	Missing	6	
Q33. Have you ever used a needle to inject any illegal drug into your body?			
1	Yes	17	1.8
2	No	945	98.2
	Missing	13	
Q34. Have you ever had sexual intercourse?			
1	Yes	142	15.8
2	No	757	84.2
	Missing	76	
Q35. How old were you when you had sexual intercourse for the first time?			
1	Never had sexual intercourse	758	84.2
2	8 years old or younger	23	2.6
3	9 years old	4	0.4
4	10 years old	7	0.8
5	11 years old	19	2.1
6	12 years old	23	2.6
7	13 years old	47	5.2
8	14 years old or older	19	2.1
	Missing	75	
Q36. With how many people have you ever had sexual intercourse?			
1	Never had sexual intercourse	754	84.2
2	1 person	49	5.5
3	2 people	37	4.1
4	3 or more people	55	6.1
	Missing	80	
Q37. The last time you had sexual intercourse, did you or your partner use a condom?			
1	Never had sexual intercourse	756	84.3
2	Yes	93	10.4
3	No	48	5.4
	Missing	78	
Q38. How do you describe your weight?			
1	Very underweight	41	4.3
2	Slightly underweight	121	12.7
3	About the right weight	495	51.8
4	Slightly overweight	253	26.5
5	Very overweight	46	4.8
	Missing	19	

		Unweighted (N)	Unweighted (Percent)
Q39. Which of the following are you trying to do about your weight?			
1	Lose weight	428	44.5
2	Gain weight	96	10
3	Stay the same weight	206	21.4
4	Not trying to do anything	231	24
	Missing	14	
Q40. Have you ever exercised to lose weight or to keep from gaining weight?			
1	Yes	632	65.7
2	No	330	34.3
	Missing	13	
Q41. Have you ever eaten less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight?			
1	Yes	444	46.5
2	No	510	53.5
	Missing	21	
Q42. Have you ever gone without eating for 24 hours or more (also called fasting) to lose weight or keep from gaining weight?			
1	Yes	209	21.8
2	No	749	78.2
	Missing	17	
Q43. Have you ever taken any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight?			
1	Yes	86	8.9
2	No	877	91.1
	Missing	12	
Q44. Have you ever vomited or taken laxatives to lose weight or to keep from gaining weight?			
1	Yes	65	6.8
2	No	887	93.2
	Missing	23	
Q45. On how many of the past seven days did you exercise or participate in physical activity for at least 20 minutes that made you sweat and breathe hard, such as basketball, soccer, running, swimming laps?			
1	0 days	110	11.5
2	1 day	73	7.7
3	2 days	73	7.7
4	3 days	106	11.1
5	4 days	90	9.4
6	5 days	148	15.5
7	6 days	83	8.7
8	7 days	271	28.4
	Missing	21	

Youth Risk Behavior Survey-1999

		Unweighted (N)	Unweighted (Percent)
Q46. On an average school day, how many hours do you watch TV?			
1	No TV on average school day	80	8.4
2	Less than 1 hour per day	157	16.4
3	1 hour per day	140	14.6
4	2 hours per day	233	24.3
5	3 hours per day	157	16.4
6	4 hours per day	92	9.6
7	5 or more hours per day	99	10.3
	Missing	17	
Q47. In an average week when you are in school, on how many days do you go to physical education (PE) classes?			
1	0 days	192	20.3
2	1 day	29	3.1
3	2 days	60	6.3
4	3 days	112	11.8
5	4 days	98	10.3
6	5 days	456	48.2
	Missing	28	
Q48. Do you play on any sports teams? (Include any teams run by your school or community groups.)			
1	Yes	595	63.4
2	No	344	36.6
	Missing	36	
Q49. Have you ever been injured while exercising, playing sports, or being physically active and had to be treated by a doctor or nurse?			
1	Yes	535	56.1
2	No	419	43.9
	Missing	21	
Q50. Have you ever been taught about AIDS or HIV infection in school?			
1	Yes	717	76.8
2	No	109	11.7
3	Not sure	107	11.5
	Missing	42	



Advocates for Alaska's Youth

**AASB Position Paper
Support for Changing the Active Parent Consent
Provision to Passive Consent for Student Surveys**

AASB supports modifying the requirements for parental or legal guardian permission for a student to participate in a questionnaire or survey administered in a public school by making it easier for school districts to obtain the necessary permission.

The current Alaskan statute requiring Positive Parent Consent has an unintended negative consequence of erecting barriers between school district programs and services which focus on the reduction of risk behaviors among youth and the government and non-profit agencies that fund these efforts. In order to increase accountability among programs and services, we need to evaluate the effectiveness of these efforts. In order to evaluate the effectiveness of our efforts, we need to gather data relating to risk behaviors and the corresponding assets of youth. In order to collect data, we need to reduce the barriers which interfere with school and agency efforts of collecting data that is confidential, legal, accurate, and relevant.

AASB believes that there are tangible benefits to conducting anonymous student surveys. In these times of accountability and accuracy, our member districts need data with which to weigh the effectiveness of their educational programs, monitor progress toward district wide objectives related to the health, safety, and well being of youth, and direct programs and services to the areas of greatest benefit.

Research and common sense shows us that parents sent an Active Consent Request Form are more likely not to sign and return the form due to apathy or inertia, rather than an objection to the survey itself.

AASB supports legislation which would:

- allow each public school district to establish the policies and guidelines related to student surveys, and
- eliminate the current unfunded mandate by replacing Active Parent Consent with Passive Parent Consent.

AASB supports the efforts of the legislature to provide local boards of education and each community with the tools necessary to increase student achievement and protect the health and safety of children and youth.

Dear Representative Bunde,

I support the bill (HB408) to change the state law regarding ACTIVE PARENT Consent for anonymous student surveys.

Due to the positive parental consent law, our state and Alaskan communities have been at a disadvantage since we have not been able to get solid data back from our surveying efforts. The implications are vast, when it comes to collecting data on adolescents.

Parent and student rights will be safeguarded with appropriate policies concerning surveys and questionnaires, and the appropriate protections will continue if the suggested changes in the law are enacted.

Thank you for your consideration.

Donna Rae Faulkner
PO Box 3004, 811 Ocean Drive Loop, Homer, Alaska 99603
(907)235-4778

Director of Alaska ICE
Association of Alaska School Boards
319 West 11th Street
Juneau, AK 99801

ANCHORAGE SCHOOL DISTRICT
Legislative Priorities 2002

Revise Parental Permission Requirements for Questionnaires and Surveys Administered in Public Schools

The Anchorage School Board supports modifying the requirements for parental or legal guardian permission for a student to participate in a questionnaire or survey administered in a public school by making it easier for school districts to obtain the necessary permission. As a result of the passage of H.B. 70 in 1999, schools are unable to obtain an adequate sample to provide reliable information.

Rationale: For state and federal grants, school districts need school-by-school data to accurately assess the need and success of current efforts. The low response rates on the 2001 Youth Risk Behavior Survey (YRBS) made this kind of detailed data impossible. In Anchorage, for example, the Anchorage School District Safe and Drug Free Schools had seven grants asking for such data. During the fall 1999 Site Review, Federal auditors put the ASD Safe

and Drug Free Schools program on notice that it was bordering on non-compliance due to lack of current data. The program lost three grants totaling \$296,915. Other grants have not been applied for because the criteria indicated that without contemporary data, the application would not be competitive. Other youth-serving agencies and programs in Anchorage and throughout the state face similar grant rejection prospects.

The Anchorage School Board supports modifying the requirements for parental permission for student participation in surveys or questionnaires. Our district has experienced significant difficulties collecting sufficient signatures for statistically valid surveys. We are also having to make substantial administrative efforts and expenditures to collect, track and report the permission data. As a ~~direct~~ result we have already lost about \$300,000 in grants and federal auditors have put our Safe and Drug Free Schools program on notice that it's bordering on non-compliance due to lack of current data.

The current language of AS 14.03.110 requires active parent permission in all cases of student surveys or questionnaires, whether anonymous or not. It applies to all surveys that inquire into personal or private family affairs of the student that are not a matter of public record or subject to public observation. While active parental permission can be granted on an annual basis for anonymous surveys, specific permission is required for each survey that is not anonymous. In the Anchorage School District, the cost of administering a district-wide or school-wide survey can reach into the tens of thousands of dollars as a result of this requirement for active prior parental consent.

An equally important problem with active consent for all surveys is that many parents, with their busy schedules, simply don't have, or don't take, the time to respond. Most parents of high school students don't even show up when their

children register for school. Active parent permission requires parents take the time to complete the permission form and return it to the District. Unless parents also read background about the need for such survey information they often fail to see why these efforts even matter. The end result is that the surveys administered may not be statistically meaningful because the numbers responding are so low. In fact, in the ASD, several planned surveys have been scrapped because of low parent response. Unfortunately, the decision to discontinue a planned survey occurs only after our District has spent thousands of dollars to give notice of the survey and to seek parental permission, often going back two or three times to try for adequate numbers.

On the other hand, the parental right to deny permission (passive parental consent), as proposed in HB 408, will permit the administration of anonymous surveys to all students except those whose parents have indicated that they do not want the survey to be administered to their student. Parents will continue to have ample opportunity to review any survey. The ability to administer surveys that have statistically significant results is necessary for educational research and studies relying on this data. This is hampered under the existing law.

The ability of parents to consent to those surveys that are not anonymous, and to deny permission for those surveys that are, securely protects the privacy of our students and their families. The continued requirement for full and complete

notice in this bill will allow families to make informed decisions as to student participation.

Additionally, AS 14.03.110 is just one vehicle which protects the right of privacy for students and their parents. Federally, the Family Educational Rights and Privacy Act ("FERPA") provides that personally identifiable information contained in a student's educational records is protected from disclosure to third parties without parental consent, except in limited instances. And a more recent second Act, the Protection of Pupil Rights Amendment ("PPRA" or "Hatch Amendment") is similar to Alaska's student survey law. The PPRA protects the rights of parents and students in two ways. First, it ensures that instructional materials related to a survey are available for inspection by parents. Second, it provides that parental consent must be obtained before students are required to participate in any USDOE-funded survey, analysis, or evaluation that reveals information in several categories deemed to be invasive of student or family privacy.

All Alaska school districts that receive federal funds must comply with FERPA and the PPRA. The PPRA consent requirements apply to any survey funded by monies from the United States Department of Education. The proposed language of HB 408 incorporates the same protections of the federal law, only it does so more broadly, applying to all surveys administered, regardless of the

funding mechanism, and regardless of whether student participation is required or is voluntary. Accordingly, HB 408 adequately protects students in Alaska.

We appreciate the Committee efforts to recognize our concerns in this area. We are in process of making a through review of the bill and hope to be able to share some specific thoughts on its language in the near future. HB 408 addresses a significant problem; it is worthy of support. We thank you for its introduction.

Debbie Ossiander, PO Box 670772, Chugiak, AK 688-2308



Lower
Kuskokwim
School
District

Department Of Academic Programs & Support

P.O. Box 305
Bethel, AK 99559
fax: 907-543-4924
Phone: 907-543-4806

February 19, 2002

To Whom It May Concern:

This letter is to show the Lower Kuskokwim School District's support for the bill to repeal the active parental consent required for students to fill out surveys at school.

Our school district has had excellent participation in past Youth Risk Behavior Surveys. The data was not only reliable but extremely valuable. We routinely shared the YRBS report with local organizations that provide services aimed at prevention and intervention of high-risk behaviors. It was discouraging and damaging to have lost such a critical tool for measuring health related behaviors in our student population.

We have used the data from the surveys to provide direction in instructional programs and to apply for grant monies targeted at high-risk kids. Teachers and parents alike were interested in identifying the types of risky behaviors students were exposed to. Having reliable data to compare local statistics with state and national data was also informative. The information was sorely missed this past year by our school district and community organizations.

In our district, much effort was expended to secure active parental consent for the most recent survey. The importance of full participation was stressed to teachers, students and parents. It was crucial that we try to match the level of past participation so we could continue receiving viable results from the survey. It was disappointing to see how drastic the drop in participation was after requiring the extra paperwork from schools, parents and students.

Even though we pushed very hard for active consent, there was risk in only gathering data from pre-selected students. The data would be biased if it only came from students whose parents signed the forms. Kids with high-risk behaviors are often ones who neglect to get paperwork in and it is likely that the results would be biased. In order to encourage students to answer survey questions truthfully we must show that their answers will be couched amid anonymity. If students knew that only a handful of their peers were completing surveys, they may not feel safe giving truthful information for fear of being identified from such a small field of participants.

The only way we can gather reliable data is to encourage maximum participation in the survey by making it as easy as possible for it to be administered. We strongly encourage the passage of this bill.

Thank you,

A handwritten signature in cursive script that reads "Julie McWilliams".

Julie McWilliams
Education Specialist, LKSD

David Moore, Ph.D.
Associate Director
Safe and Drug Free Schools
dmoorephd@yahoo.com

University of Washington
College of Education
*Center for the Study and Teaching
of At-Risk Students (C-STARS)*

This testimony is in support of the Alaska State Legislature's proposal to remove the provision requiring active parental consent for school districts conducting surveys to determine the ongoing health needs of their student population.

The current survey model is not valid and under-reports serious youth health problems. The White House's Office of National Drug Control Policy determined that surveys requiring active parental consent are invalid (Dent et al, 1995). They under-report various problem health behaviors, including marijuana use and a range of risk taking behaviors.

Currently, the legislature cannot audit the effectiveness of many youth health care programs. Unless this requirement is removed, Alaska cannot accurately measure the impact of many of their children, youth and family services programs. Citizens cannot track the value and effectiveness of many programs, including those targeting violence and substance abuse reduction in communities.

Loss of federal funds to other states. Alaskan programs competing for federal grant funding are at a disadvantage to programs from other states that can offer program evaluation using valid student surveys that do not require active parental consent. This is a particular barrier in receiving the state's fair share of competitive substance abuse and violence prevention grants. Valid program evaluation methods are 15-30% of the scoring.

Recent passage of the Bush "Leave no child behind" education bill removed mandatory active parental consent and replaced that provision with guidance for local decision-making:

"A local educational agency that receives funds under any applicable program shall develop and adopt policies, in consultation with parents, regarding the following: The right of a parent of a student to inspect, upon the request of the parent, a survey created by a third party before the survey is administered or distributed by a school to a student; and (ii) any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received."

This provision allows for fully informing parents and allowing them to opt out of the survey. Districts can make decisions on a more individualized basis. In particular, they can allow passive consent for critical health surveys such as the Youth Health Behavior Survey; while requiring active parental consent for less important surveys.

The legislature should allow for local control, on an individualized basis, of school surveys.



SOUTH EAST ALASKA REGIONAL HEALTH CONSORTIUM

3245 HOSPITAL DR • JUNEAU, ALASKA 99801 • (907) 463-4000 • FAX: (907) 463-4075

February 14, 2002

To Whom It May Concern:

In 1995, Southeast Alaska Regional Health Consortium worked with the Juneau School District to conduct the Youth Risk Behavior Survey. Utilizing grant funding from the federal Centers for Substance Abuse Prevention, SEARHC provided extensive financial and staff support to conduct the survey with the requirement that positive parent consent be obtained for each student. SEARHC wanted to be sure the data collected was accurate and meaningful which meant working hard to ensure a large percentage of parent consent forms were returned, with as many positive consents as possible.

SEARHC employed a part-time staff person who worked for approximately 3 - 4 months focusing on organizing the effort to obtain positive parental consent. Incentives were provided to students and teachers to encourage them to return the parental consent forms (regardless of whether the consent was positive or negative). Classes who returned 90% of the consent forms got to have a pizza party and the teachers received a financial incentive to cover extra classroom supplies. Students were given consent forms in class to take home and return to school, for those who did not return the consent forms a new form was mailed directly to the parents. Parents who still did not respond were contacted by phone by volunteers from the Mayor's Task Force on Youth. Throughout the effort, the emphasis was on returning the consent form whether consent was positive or negative. Tracking the paperwork was an arduous task.

Efforts were made to educate parents about the importance of accurate data on youth risk behaviors. Presentations were made to parent groups at each school, information was printed in the newspaper, and copies of the survey were available for parents to review at multiple locations in each school. When parents received education about the survey, the majority recognized the importance of accurate data in developing programs and choosing priorities and readily gave their consent. The big struggle was getting students to return the form, when the form was returned the vast majority of parents gave positive consent. Only a small number refused to allow their child to participate in the survey and this request was always honored.

Juneau was able to get enough consent forms returned to make the survey results accurate, but this came at a great expense of both time and money. It would have been much more beneficial to have used the time and money to implement programs to prevent substance use rather than collecting and counting papers. In future years, SEARHC was not able to provide the same support to obtain consents and instead focused on substance abuse prevention programs.

Sincerely,

Jeannie Monk, MPH
Former Health Promotion Manager & YRBS Coordinator

Revilla Island Prevention Coalition
 3054 Fifth Avenue ● Ketchikan, Alaska 99901
 907-225-4350

February 15, 2002

Derek Peterson, Director Child and Youth Advocacy
 Association of Alaska School Boards
 Juneau, Alaska

To Whom It May Concern:

I am very pleased to learn about House Bill No. 408 that would change the parental consent requirement for surveys or questionnaires that are anonymous. PATCHWorks is a community asset building initiative in Ketchikan. In 1997 and 2001 in cooperation with the Ketchikan School District, we administered Search Institute's *Profiles of Student Life: Attitudes and Behaviors* survey. They were an absolute nightmare to accomplish.

To obtain the most valid data, we targeted our total 7th-12th grade population of 1200 students. According to the existing Alaska statute, our formidable task was to get 1200 permission slips. As a former School Board member, I understand the value of this data for planning and funding purposes. Also, as research supports, the health status of students is directly related to their academic performance.

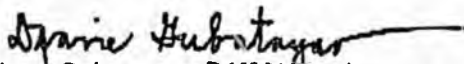
We spent months and thousands of dollars to have parents return permission slips. We had tables at back to school night and conferences. We did expensive direct mailings. We sponsored incentives for students to bring forms back. We published ads in the paper and paid for PSAs on radio. In our most recent survey, after this tremendous effort, we had obtained about 810 permission slips, or about 80% of our targeted group.

Here are some of the serious challenges:

- It is a nightmare for school principals to figure out an administration time that does not disrupt classes because you have only a partial group of your student body participating in the survey.
- The validity of the results are questionable, and possibly skewed because parents in struggling or non-supportive families are less likely to make the effort to return the permission slips.
- Districts are resistant to conducting surveys because of the added stress, and as a result are at risk of losing funding through grants that require recent data.
- Districts are hindered in measuring outcomes and effectiveness of certain critical programs such as substance abuse prevention education.
- Finally, communities are limited in obtaining valuable information to guide public officials and educate citizens in meeting the needs of their youth.

I strongly support passage of House Bill No. 408. It still gives parents the opportunity to withdraw their child from the survey if that is their choice. And I know from experience that the major surveys go to great lengths to assure that participants are anonymous.

Sincerely,



Diane Gubatayao, PATCHWorks Coordinator
 Member, Revilla Island Prevention Coalition

Members
 PATCHWorks
 Women In Safe Homes
 Saxman Youth Reach
 Gateway Center for
 Human Services
 Askans for Drug
 Free Youth/
 Recovery Center
 Juvenile Probation
 Ketchikan Resource
 Center
 Ketchikan Youth
 Court
 Harbor Middle
 School
 INOE.com
 Kodi News Fellowship
 Ketchikan Police Dept
 Elder Care
 Coordination
 Ketchikan Indian
 Corporation
 Community Connections
 EriCorps

Subject:

Date: Thu, 14 Feb 2002 18:16:20 -0600

From: Peggy Spittler <peggy.spittler@heart.org>

To: "representative_con_bunde@legis.state.ak.us" <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde

I would like you to know that I strongly am in favor of the following bill!

HB 408 - Student Survey Bill

Thank you

"The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn." Alvin Toffler

Peggy Spittler, Executive Director
American Heart Association
1057 West Fireweed, Suite 100
Anchorage, AK 99503
phone 907.263.2015
fax 907.263.2045
toll-free 888.276.0858

Subject: positive parental permission for surveying

Date: Fri, 15 Feb 2002 14:44:31 -0900

From: "Dawn Miller" <dmiller-ncaddj@ak.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Rep. Bunde,

I'm writing to convey my support for HB 408. As a provider of services to youth who are at risk of chemical dependency, teen pregnancy, acts of violence and school drop out, I cannot stress how crucial it is that the prevention community be able to assess youth's behaviors, attitudes and knowledge surrounding these issues. I urge you to convey to all participating parties how necessary the information in these surveys is to providing appropriate, effective prevention programming for our youth.

Thank you,

Dawn Miller

National Council on Alcoholism and Drug Dependence

Subject: HB 408

Date: Thu, 14 Feb 2002 18:05:23 -0900

From: "John and Karen" <steinmarie@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Dear Rep. Bunde

I support legislation to ease the restrictions on anonymous student surveys.

The present restrictions make scientifically accurate information about our students and schools unreasonably difficult to obtain.

Timely, repeatable inquiries are essential to establish trends on issues of risk behavior, school safety and health and to measure the effectiveness of remedial efforts. This same information helps manage HSS budget expenditures to keep costs down.

Thank you

John C. Stein, Executive Director, Kids Are People, inc., Mat-Su

Subject: Student Surveys

Date: Thu, 14 Feb 2002 14:00:33 -0900

From: "Christinar" <christinar@serrc.org>

Organization: SERRC

To: <Representative_Con_Bunde@legis.state.ak.us>

Representative Bunde

I would like to request you support changing the student survey consent law. Presently, the law requires active parent consent. If we are to obtain a realistic picture of students behaviors we need to hear from a greater population of students. By having passive student consent parents are still given ample opportunity to see any surveys given to their students and request the their students not participate.
Thank you for your work toward getting this changed.

Christina Reagle

Christina Reagle, M.Ed.
SERRC
900 West 5th Ave., Suite 101
Anchorage, Alaska 99501
907.349.0651

Subject: Student Surveys

Date: Thu, 14 Feb 2002 16:00:53 -0900

From: Judy Neary <judy.neary@searhc.org>

To: Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

This is in regards to HB 408 and the student surveys. As an individual working with youth, gathering unbiased and honest information from students is vital to structuring our programs to meet the needs of youth in our schools. Please change the way the law currently reads and allow students to complete anonymous surveys without their parents' consent.

Subject: HB 408

Date: Fri, 15 Feb 2002 16:59:42 -0900

From: Jim Douglas <jyces@uas.alaska.edu>

Organization: Alaska Cooperative Extension

To: Representative_Con_Bunde@legis.state.ak.us,
representative_beth_kertulla@legis.state.ak.us,
Representative_Bill_Hudson@legis.state.ak.us

Representatives Bunde, Kertulla, and Hudson, It is imperative that we are able to conduct survey's in schools to determine not only attitudes but in many cases student successes and failures with such things as substance abuse, character education, daily school and personal issues. The present law requiring parental consent negates most surveys as youth fail to get the forms home or the forms get lost at home. The change to allow parents the right of non consent will allow those parents who object to a survey to remove their child from the pool, without reducing the valuable information we need to make informed judgments about youth issues. Please know that the state 4-H program supports HB 408 as we need the type of information these surveys provide so we can adjust our programs to meet the real needs of today's youth. Thanks for your support.

Jim Douglas
4-H Program Chair
907-465-8756
3032 Vintage Blvd. Suite 104
Juneau, AK 99801
jyces@uas.alaska.edu

Subject: HB408 testimony--please replace email I sent 5 minutes ago

Date: Fri, 15 Feb 2002 15:58:03 -0900

From: "Jessica Paris" <parisj@mail.jsd.k12.ak.us>

To: Representative_Con_Bunde@legis.state.ak.us

I am a teacher at JDHS. I am writing in support of HB408, which allows us to survey youth with passive parental consent. As a society we are often naïve about the problems our youth face and the risky behaviors they choose to participate in. If it weren't for the 1999 YRBS (an anonymous survey of Alaska teens), I would never have thought that over half of our juniors and seniors have had sex. I still find it difficult to believe that 1 out of 4 of my little freshmen have had sex. We obviously need to do better at educating them about how to say no.

We do have programs that are trying to do that right now, like ATI (Alaska Teen Institute) and PSI (Postponing Sexual Involvement), but we need to be able to get accurate statistics in order to evaluate the need and the effectiveness of these and other programs designed to help youth. What if these programs are a waste of time? What if they do not achieve their goals or in fact do more harm than good? They should not continue to receive money. These programs need to be held accountable. And what if the programs are both necessary and effective? Shouldn't they continue to be funded?

But how are we to evaluate them without information about youth behavior? We need to be able to survey a representative sample of youth in order to get valid information. Law 14.03.110, which requires active parental consent in order to survey youth, has (perhaps inadvertently) harmed our ability to judge what programs our students need and our ability to fund these programs. Requiring active parental consent hampers a survey because you only get statistics on Permission-Slip-Returning Kids or kids with School-Mail-Reading-And-Returning Parents. And in a post 1999 attempt to survey students under active parental consent laws, "Returners" constituted about only 10% of the population. This might not invalidate an election, but it does invalidate a survey.

Under HB408, parents will still have the right to refuse permission for their child to participate in an anonymous survey. Students will still have the right to refuse to participate.

But under current law parents and students who want the student to participate in an anonymous survey will NOT have that right if the child doesn't remember to return the consent form. Why do they fail to return it? Maybe it's the same reason I always forget to buy toothpaste and lightbulbs.

Please support HB 408. Thank you for your time.

Jessica Paris
Teacher at JDHS
586-4695

Subject: HB 408 parent permission bill

Date: Wed, 13 Feb 2002 23:48:28 -0900

From: Becky Judd <bjudd-h@ak.net>

To: "representative_con_bunde@legis.state.ak.us" <Representative_Con_Bunde@legis.state.ak.us>

I strongly support this bill.

I have talked with many many schools & youth organizations who don't have the data to know if their alcohol/drug prevention activities are effective, if their teen pregnancy prevention activities are curbing the initiation of early sexual activity, if all our anti-tobacco prevention efforts are stemming the tide of teen tobacco use!

WE DON'T KNOW... Because of the current law.

We do have adequate prevalence data for the teen risk behaviors. The current law has put an undue financial and time burden on schools to get the active consent from parents for their children to participate in anonymous surveys.

I know..having talked to many many many parents that, they never even see the permission slips..it just gets lost... a school mails them a second, third slip, makes phone calls to parents, and they still never make it back to the school. The time (\$\$\$) spent on tracking those permission slips is COSTLY.

Meanwhile schools and youth organizations are not able to compete with local organizations from other states for national foundation or federal dollars because they can not document their needs nor trends, since we don't have the local or statewide prevalence data that comes from the YRBS.

This spring the YRBS was administered to randomized schools around the state, again because of this law... there was not enough active parent consents to make the data collected useable.

Alaska and its communities remain in the dark about the prevalence of our teens risk behaviors. Help us lift the veil! Parents will still have the right to deny participation. WE are removing undue burdens and dollars!

Becky Judd
6401 Italy Cir.
Anchorage AK 99516
345-3619

Jeff Budd

Subject: Jeff Budd

Date: Thu, 14 Feb 2002 11:19:47 -0800 (PST)

From: Jeff Budd <jbudd3500@yahoo.com>

To: Representative_Con_Bunde@legis.state.ak.us

14 Feb 02

Dear Representative Bunde,

Please help in the passing of the bill to allow youth serving agencies to better gather date so that we can provide the services our Alaska youth need and deserve. Thank you. Jeff Budd, Sitka, Alaska

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Subject: HB 408 - Student Survey Bill

Date: Thu, 14 Feb 2002 13:53:56 -0800

From: Ley Schleich <arcticloon@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Honorable Representative Bunde,

I am writing to you with strong support for HB 408, the Student Survey bill, that is currently before you for consideration.

I have been involved with helping school districts conduct the Youth Risk Behavior Survey, the Developmental Assets Survey, and other health-related surveys. I am familiar with the survey data needed for the statewide tobacco control plan. None of the data generated from these surveys since the requirement of active parental consent is of much value, in my estimation, because of the small "N's" due to the active parent consent state law. As a prevention specialist striving to help schools and community groups in their efforts to be accountable and to conduct sound evaluations of programs, I can tell you the law makes this impossible.

We can get good data about program effectiveness and behavior trends without hurting people. I believe parents' and students' rights and privileges will be protected through policies already in place for informing them of survey material and giving them an opportunity to opt out.

I trust you and your colleagues in the Legislature will see the wisdom of repealing the active parental consent law by supporting HB408.

Sincerely,
Ley Schleich
Owner, Arctic Loon Consulting
P. O. Box 874216
Wasilla, AK 99687

Subject: HB 408

Date: Thu, 14 Feb 2002 16:40:29 -0800

From: "buddy4" <buddy4@alaska.net>

To: "Representative Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>

Con,

I am writing in support of HB 408 which is the student survey bill. With passive consent of student surveys, public health will be able to measure the effectiveness of community and student programs designed to improve school performance and reduce high risk behavior.

As a parent I have no objection to my two teenagers taking an anonymous survey about their teenage habits.

Joan Diamond

Subject: hb408

Date: Thu, 14 Feb 2002 19:59:57 -0600

From: "echavarria" <echavarria@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

I understand that there is proposed legislation to change the state law regarding active written permission slips for surveys of students in our public schools.

I am an Athabascan Indian who has lived and worked in the rural setting of Alaska. I personally was opposed to the original legislation requiring active written permission due to the impact and the cost to gather health behavior information of importance to our native people and to our population in general. I've written many grants that have used the state's valuable resource, the Adolescent Health Survey, which by the way was an anonymous survey. I certainly support this repeal as it relates to anonymous surveys. I thought the previous legislation was led by a strong minority of our population who don't understand the significance that demographics, epidemiology and statistics portrays in the measuring of outcome measures that are often not noticed in a short period of time especially when behavior change is the goal. I appreciate this opportunity to convey and exercise my rights to change policy in my home state. Thank you

Subject: HB 408

Date: Thu, 14 Feb 2002 21:18:07 -0900

From: Janice Tower <jtower@alaska.com>

To: Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde,

Two things are on my mind tonight. First is to congratulate you for having the courage to push the Legislature into considering a broad-based revenue generating plan to help us balance the state budget. Finally, someone (you) threw a forward pass and not one off to the side.

Secondly, I am in support of HB 408, a bill to change the law regarding active parent consent for participation in anonymous surveys. In order for educators and health professionals to target improvements in education and public health, the experts need to know what the kids are up to. Surveys such as the Youth Risk Behavior Survey could provide valuable insights to the behavior of adolescents. Better program design and planning would be a favorable end result.

Thank you for your time, and keep up the good work.

Janice Tower
7645 Griffith Street
Anchorage, AK 99507

Subject: Support for HB 408

Date: Thu, 14 Feb 2002 20:51:32 -0900

From: "Bret and Kathy Burton" <burton@mtaonline.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde,

It is with great enthusiasm that I relate to you my overwhelming approval of HB408

As a pediatrician it is imperative to know the children in my care, their families, and the environment in which they are growing. Commonly, I cannot be familiar with the all the facets of their lives. One tool to gain insight is the Youth Risk Behavior Survey from the Center's for Disease Control and Prevention. Every other year this anonymous survey is given in the public school system and snapshot is taken of our children's lives. The questions are balanced, non-intrusive, and non-suggestive. Answers are collated by the CDC in Atlanta and given to our state to objectively evaluate how well we are providing healthy homes, schools, and communities. An example of the 2001 survey can be seen at <http://www.cdc.gov/nccdphp/dash/yrbs/2001survey.htm>

This valuable information has been incomplete for our state in the last several years. An assumption has been legislated that parents can trust our schools to give our children answers in life but cannot be entrusted with asking them questions. Because we lack objective information about our children our state has missed the opportunity for federal and state grants to improve our educational processes.

Fortunately, HB408 changes that. Parents and guardians remain the experts on their children. Thus, they will be given the opportunity to deny administration of any questionnaire or survey. Furthermore, the school district must give at least two weeks written notice before a survey so parents can educate themselves about the questions posed and then decide if they wish to deny access to their children.

I believe this is positive legislation for our children. Thank you for your ongoing support of our future generations.

Bret Burton, MD, FAAP
9643 Nulato Cir
Eagle River, AK 99577
907.696.5535

Subject: HB 408

Date: Fri, 15 Feb 2002 07:45:21 -0900

From: "Rocky Plotnick" <rockyplotnick@earthlink.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

CC: <rocky@aklung.org>

Dear Representative Bunde-

This message is to express my strong support for HB 408. This change in Alaska Statute would allow the implementation of harmless youth/teen surveys which I think are crucial in order to obtain meaningful data. Especially as we continue in our efforts to reduce tobacco use and other risky behaviors, we need to be able to document our progress. Not only as a public health professional, but as the parent of a teenager, I support HB 408.

Sincerely,

Rocky Plotnick, MS, CHES
P.O. Box 110923
Anchorage, Alaska 99511
907-346-2956

(Rockelle)

Subject: HB 408

Date: Fri, 15 Feb 2002 13:03:39 -0900

From: Ric Iannolino <converge@ptialaska.net>

T : Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde

I would like to urge you and the house of representative to pass HB 408. This bill to amend the current law that prevents schools and other child and youth related organizations from obtaining critical information from students in order to assist them. I understand that it was not intended to harm children but the effect of this law has been very destructive.

I am the chair of the **Youth on the Street** organization which is attempting to assist homeless youth in Juneau.

We need to document the extent, characteristics and conditions of homeless youth in Juneau. The McDowell Group designed a Homeless Youth Survey which we conducted in May of 1998. The purpose of the survey was to get information to make the public aware fo the problem of homeless youth.

We are trying to locate funding and support from national organizations through foundations and grants. We require accurate and reliable information which is not available at this time. We preparing to conduct another more extensive survey tool. We are aware that unless this bill is passed to amend the current law we may not be able to obtain the information required to obtain additional funding.

I urge you and the house of representatives to pass HB 408.

RE: PASSAGE OF HB 408

TO: Representatives Con Bunde, Beth Kerttula, Fred Dyson, ^{Bill Hudson} and the legislative committee considering passage of HB 408

FROM: Kathryn Arlen, owner "Mindmerger" public relations company; also a PR liaison for "Youth on the Streets" action group, an organization dedicated to the creation of transitional shelter and necessities for Juneau's homeless youth while also encouraging development of life skills and personal independence.

DATE: February 20, 2002

Ladies and Gentlemen:

I strongly urge the passage of HB 408. Amending the wording from "active" parental consent to "passive" would greatly facilitate the potential acquisition of firsthand information from our young people without violating parental rights and simultaneously encouraging our youths' participation in planning their own immediate futures with the knowledge that their voices can be heard.

FIRST: if the question of violating parents rights or concerns is an issue in the changing of this wording, that issue is easily solved by giving parents the option of refusal by **MAKING THIS ABSOLUTELY CLEAR** right up front and emphasizing they must return the signed form only if they do not wish their son or daughter to participate and giving them a clearly defined deadline within which to do so.

SECOND: students will then have the right to directly participate in any survey employing these guidelines if they so desire. They also will have the right of refusal. Though they may not yet be of legal age to do many things in adult society, like vote, marry, enlist, smoke, buy liquor, they do have the right simply by existing as citizens, no matter what their age, to exercise their right to freedom of speech and in a polite, civilized manner let their opinions and viewpoints be known, especially in areas affecting them.

If we do not know how young people feel, how can we best plan for their future, hopefully looking out for their best interests? If we have overlooked a problem that may have been solved by a simple "question and answer" exercise, whose fault is that? And consider, please, the psychological uplift, the note of confidence we could be giving our youth by simply acknowledging we value their opinions.

THREE: Thus, armed with what could hopefully be more detailed and in-depth information, any of us in the adult world actively focusing on improving situations for our next generation can have a better shot at making a difference for them. This belief is now and always has been a generation to generation tradition in our society, and we owe it to our children to do the best possible job on their behalf.

Having directly observed and worked with young people in our community, including youths of both sexes in the detention side of Johnson Youth Center, I am seriously frightened by the bone-chilling stories I hear, and even more so by the attitudes with which they are told. Substance abuse, as I am sure many of us realize, is a formidable and critical issue. Therefore I myself am just now taking the initial steps towards obtaining a CDCI, substance abuse counselor, within the next few years, though the process of obtaining such a title is in itself a multi-faceted, challenging, uplifting and obviously neverending goal.

CLOSING ARGUMENT: By reversing State Law 14.03.110 requiring active parental consent, meaning they have to sign a form, (assuming they did not misplace it,) mail it back by a deadline time, in order for their son(s) or daughter(s) to participate in any given survey, questionnaire, etc. and, instead, implement a new law, i.e., as defined by HB 408, allowing their children to participate if they so desire by simply not responding once said parents have been informed, we can now see how points 1, 2, and 3 mentioned above can evolve into a Win/Win/Win situation.

All this can therefore lead to:

- A) More accurate, thorough, pertinent data contributing towards
- B) More persuasive, better documented, inspired grant writing requesting
- C) Specific funding aimed at creating and promoting

3

D) Necessary, improved, expanding services for all our young people,
perhaps (at this point) especially but definitely not limited to those at risk.

The prosecution rests. Thank you.

K.G.A.

Kathryn Grace Arlen
127 So. Franklin St., #312
Juneau, AK 99801
mindmerger@hotmail.com
(907) 586-1872

enc.

SURVEY FORM SUGGESTIONS

1. Make sure **IN THE VERY BEGINNING**, parents are clearly made aware that they need only return the form if they **DO NOT WISH** their child (children) to participate. It may also be prudent to include a space, lines, etc. asking them if they would care to explain why they have decided so. This information, i.e., refusal, may just in itself be helpful.
2. And make sure the deadline date **IS ALSO CLEARLY STATED, IN CAPS**.
3. But, of course, encourage parents to read through the form carefully, perhaps discussing it with their son, daughter, before making this decision. Just this encouraged discussion itself can be helpful.
4. And if both parent and child agree, include possibly a question or two (whatever the survey is for) that they can answer **TOGETHER**.

One last observation: think about how easy it is when you get something in the mail, you want to do whatever it is, order whatever it is, so on, but you misplace the form--you find it later, under the phone book, put in the wrong drawer, got mixed up with homework, the dog ate it, etc. (and God forbid it was your PFD application) and then realize the deadline has come and gone. This change from "active" to "passive" consent could take care of that situation, so long as it is **PERFECTLY CLEAR RIGHT AT THE BEGINNING** that parents are agreeing to their child's possible participation just by doing nothing. And that makes it so much easier.

Subject: HB408

Date: Mon, 18 Feb 2002 16:55:40 -0900

From: "JAHC" <jahc@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

This seems like a very practical bill to pass. We need to accurately assess students' needs. Please pass this legislation. Thank you

Sybil Davis
836 Calhoun Avenue
Juneau 99801

Subject: House Bill 408

Date: Fri, 15 Feb 2002 15:48:30 -0900

From: "Cindy Cashen" <ccashen-ncaddj@ak.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde,

I am in support of House Bill 408. I feel the current law prevents us from doing what needs done in order to take care of our youth: ask their opinion on issues which affect them.

This bill will allow parents who do not wish their child to participate to retain that right. It also recognizes the reality of the low number of parent consent forms which follow the desired path from school to student to parent and back to school. It just doesn't happen that often.

I have three children and it takes a lot energy to obtain a consent form from them. If I don't take time then the form will not get filled out and even then some of them don't make it back to the teacher/school. It's frustrating.

Please pass this bill so we may have a better idea of what is really happening in our children's lives.

Sincerely,
Cindy Cashen
3167 Pioneer Avenue
Juneau, AK 99801
907 586-3124h
463-2562

Subject: HB 408

Date: Fri, 15 Feb 2002 16:21:27 -0900

From: Ernie Mueller <Ernie_Mueller@ci.juneau.ak.us>

To: "'representative_con_bunde@legis.state.ak.us'" <Representative_Con_Bunde@legis.state.ak.us>

I understand that the House Special Committee on Education is considering HB 408 "An Act relating to questionnaires and surveys administered by the public schools"

This bill would permit public schools to administer questionnaires and surveys to those students whose parents have not denied permission for the student to participate.

Heretofore positive permission has been required for a student to participate in an anonymous survey or questionnaire. Positive permission is often difficult to secure because students and parents often do not understand the value of the questionnaire or survey and simply neglect to give permission .. or to return the permission form the student was given...

Today, most federal grant programs require that basic information about youth be part of the grant application. Under existing law requiring positive parental permission, valid information from a statistically representative sample of school students is virtually impossible to secure. As a result it is difficult, if not impossible, to design services to serve the needs of students, or to secure grants to plan and deliver these services.

In short, unless students can be asked, we don't know what they need. Under existing law, students can't be asked unless an enormous effort is taken to secure permission from parents.

I support HB 408. I have worked with youth programs throughout Alaska my entire adult life. Many of the programs I have worked with are research based..without the ability with gather information, we can't get the basic research needed to design programs or to find out whether they work or not..

Thank you for bringing this bill forward...

Ernie Mueller
Juneau

Subject: I support house bill 408

Date: Fri, 15 Feb 2002 23:07:03 +0000

From: "Monique Wheeler" <monique_wheeler@hotmail.com>

To: Representative_Con_Bunde@legis.state.ak.us, Representative_Bill_Hudson@legis.state.ak.us,
Representative_Beth_Kerttula@legis.state.ak.us, Representative_Fred_Dyson@legis.state.ak.us

My name is Monique Wheeler at I live at 348 West 12th Street in Juneau. I am writing to urge you to support house bill 408 which would educational institutions to collect data for statistical analysis.

Thank you,
moinque

Chat with friends online, try MSN Messenger: <http://messenger.msn.com>

Subject: Bill 408

Date: Sat, 16 Feb 2002 09:59:45 -0900

From: "Joyce/Shepherd" <lynn.shepherd@acsalaska.net>

To: <Representative_Con_Bunde@legis.state.ak.us>

Thank you for sponsoring Bill 408. Permitting anonymous surveys in schools will help educators, law enforcement, and public health officials as well as parents gain insights into youth attitudes and behaviors. AS 14.03.110 has hampered our ability to know the nature and extent of risky behaviors amongst youth by preventing administration of the Youth Risk Behavior Survey. The YRBS, when administered in the '90's, gave valuable information that resulted in the funding of prevention and counselling programs which have benefited my children and many others.

Please move forward with Bill 408.

Lynn Shepherd
3050 Douglas Highway
Juneau, AK 99801

Subject: HB 408 must pass

Date: Sat, 16 Feb 2002 01:28:02 +0800

From: "Kate Boesser" <kateboesser@mail.com>

To: Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde:

Please see that HB 408 passes quickly. I understand that even the original writer of the bill which made parental survey a must has decided to vote for HB 408!

I have taught in Chatham District for 8 years, and the past 2 1/2 years have been doing grant administration for drug and alcohol abuse prevention. You must understand that not only can teachers not make important decisions without survey information, but grants can not get funded without statistics. Education starts with evaluation, to see where we're at, what's working, what needs to happen. Surveys are an essential part of that evaluation. An example is the ASSETS survey, and the SIG ACT survey, both of which give invaluable information regarding youth, substance abuse, and assets in the lives of youth. Without this bill, you are sharply curtailing our ability to help youth and work with where they're coming from. Parental knowledge is one thing..student ability to let us know how to work more effectively is another.

Please pass this bill now.

Sincerely,
Kate Boesser
PO Box 47
Gustavus, AK 99826

907-697-2282

Juneau connection: 586-1710

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Subject: Support for House Bill 408

Date: Wed, 20 Feb 2002 14:01:54 -0900

From: "Toni-Jo Dalman, Juneau School District, Juneau, AK" <dalmant@jsd.k12.ak.us>

To: Representative_Con_Bunde@legis.state.ak.us, Representative_Bill_Hudson@legis.state.ak.us,
Representative_Beth_Kerttula@legis.state.ak.us, Representative_Fred_Dyson@legis.state.ak.us

I would like to support passage of House Bill 408. This information allows our district and the many agencies serving children to make meaningful and relevant decisions about prevention and treatment programs needed and about their efficacy.

Thank you,

Toni-Jo Dalman

22-LS1458\C
Ford
3/21/02

CS FOR HOUSE BILL NO. 408()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON EDUCATION

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to questionnaires and surveys administered in the public schools."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * Section 1. AS 14.03.110(a) is repealed and reenacted to read:

4 (a) A school district or an employee of a school district may not administer or
5 permit administration of a questionnaire or survey to a class or student that inquires
6 into personal or private family affairs of the student not a matter of public record or
7 subject to public observation, unless written permission is obtained from the student's
8 parent or legal guardian. This subsection does not apply to a questionnaire or survey
9 that is anonymous.

10 * Sec. 2. AS 14.03.110(b) is repealed and reenacted to read:

11 (b) If a school district administers an anonymous questionnaire or survey that
12 inquires into personal or private family affairs of a student not a matter of public
13 record or subject to public observation, even though written permission from a
14 student's parent or legal guardian is not required, the school district shall provide each
15 student's parent or legal guardian the opportunity to submit to the school principal a

1 written denial of permission to take the questionnaire or survey.

2 * Sec. 3. AS 14.03.110(c) is repealed and reenacted to read:

3 (c) For purposes of (a) and (b) of this section, the school district shall provide
4 a parent or legal guardian at least two weeks' written notice of the right to grant or to
5 deny permission to take the questionnaire or survey before administering the
6 questionnaire or survey.

7 * Sec. 4. AS 14.03.110(d) is repealed and reenacted to read:

8 (d) Written notice required to be given to a parent or guardian under this
9 section must include

10 (1) an opportunity to review the questionnaire or survey to be
11 administered;

12 (2) how the questionnaire or survey will be administered to the
13 student;

14 (3) how the results of the questionnaire or survey will be used;

15 (4) who will have access to the questionnaire or survey;

16 (5) how to submit written

17 (A) permission for the student's participation in a questionnaire
18 or survey, if required; or

19 (B) denial of permission to participate in a questionnaire or
20 survey, including an anonymous or specific questionnaire or survey.

21 * Sec. 5. AS 14.03.110(e) is amended to read:

22 (e) A student may refuse to participate in a questionnaire or survey
23 administered in a public school. A student's parent or legal guardian may refuse to
24 allow the student to participate in a specified questionnaire or survey by submitting to
25 the school principal a written denial of permission for the student's participation.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

State Capitol
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Representative_Con_Bunde@legis.state.ak.us

Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joule
Gretchen Guess

MEMORANDUM

DATE: March 22, 2002
TO: House Health, Education, and Social Services Committee
FROM: Representative Con Bunde, Chair
RE: HB 408, "An Act relating to questionnaires and surveys administered in the public schools."

How HB 408 Would Change Current Law Regarding Student Surveys

Explanation of the Changes by Section

Section 1: Changes current law to allow an anonymous questionnaire or survey to be administered without prior written permission (active consent) of the parent or legal guardian.

Section 2: Requires school districts to give parents and legal guardians the opportunity to deny permission for an anonymous survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though prior written permission is not required.

Section 3: Requires that school districts provide parents and legal guardians at least two weeks' written notice of their right to grant or deny permission, whether the questionnaire/survey is anonymous or not.

Section 4: Adds the requirements that written notice given by school districts to parents and guardians must: provide an opportunity to review the questionnaire/survey and provide instructions on how to submit written permission or denial of permission. Restates the requirements in current law that the notice must also: tell parents and guardians how the questionnaire/survey will be administered; how results will be used; and who will have access to the questionnaire/survey.

Section 5: Retains provision in current law that students may refuse to participate in a questionnaire or survey and that a parent or legal guardian may refuse permission for their child. Adds the direction that parents and legal guardians may refuse permission by submitting a written denial of permission to the school principal.

Please see attached page for comparison of current law and proposed changes.

Comparison of Current Law with HB 408's Proposed Changes

• Sec. 14.03.110. Questionnaires and surveys administered in public schools.

Section 1.

[(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or legal guardian.]

(a) A school district or an employee of a school district may not administer or permit administration of a questionnaire or survey to a class or student that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation, unless written permission is obtained from the student's parent or legal guardian. This subsection does not apply to a questionnaire or survey that is anonymous.

Section 2.

[(b) For an anonymous questionnaire or survey written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.]

(b) If a school district administers an anonymous questionnaire or survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though written permission from a student's parent or legal guardian is not required, the school district shall provide each student's parent or legal guardian the opportunity to submit to the school principal a written denial of permission to take the questionnaire or survey.

Section 3.

[(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.]

(c) For purposes of (a) and (b) of this section, the school district shall provide a parent or legal guardian at least two weeks' written notice of the right to grant or to deny permission to take the questionnaire or survey before administering the questionnaire or survey.

Section 4.

[(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding

(1) how the questionnaire or survey will be administered to the student;

(2) how the results of the survey or questionnaire will be used; and

(3) who will have access to the questionnaire or survey.]

(d) Written notice required to be given to a parent or guardian under this section must include

(1) an opportunity to review the questionnaire or survey to be administered;

(2) how the questionnaire or survey will be administered to the student;

(3) how the results of the questionnaire or survey will be used;

(4) who will have access to the questionnaire or survey;

(5) how to submit written

(A) permission for the student's participation in a questionnaire or survey, if required; or

(B) denial of permission to participate in a questionnaire or survey, including an anonymous or specific questionnaire or survey.

Section 5.

(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey/.] by submitting to the school principal a written denial of permission for the student's participation.

Letter to the Editor Jan 19, 1999

School business isn't surveys

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Parental rights are once again being usurped, and our children are being manipulated as though consumers. Last year, there was a concerted effort by different health care professionals to have the right to implement different youth surveys in our public schools.

First they wanted to do it without having written parental permission. When they discovered they couldn't do them without it, they forced the Anchorage School Board into passing an OK to do them without written parental permission. It was only because of the wise and honest decision of the superintendent of schools, Mr. Bob Christal, were parental rights protected.

This year, they will be administering different surveys to our children. Why? So that different agencies can then compete for federal and state and local grants and funding! Our children are being treated as mere consumers, another easy source of money.

These surveys are supposed to be anonymous. Still, if a child answers a survey question which would alarm the administrators of the test or others, it will be very easy for such people to narrow it down to what individual child it was. Even if answered in a joking manner, in today's current school climate, it will be taken as a "potential" threat. If the child answers negatively on any family issue or one regarding his parents, the next step will be for the authorities to begin an investigation into the parents!

The matters of home and family are private, and parents need to let the schools and those pushing these surveys find their funding another way and stay out of our private lives!

- Timothy Napier

Anchorage

Parents, OK those surveys

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Parents are in control, as Rep. Fred Dyson points out ("Be wary of surveys, parents," Letters, Jan. 11), so the ball is in our court. Let's allow our children to participate in the Search and Youth Tobacco Survey. We can bury our heads in the sand and deny that far too many of our youths have serious obstacles to becoming healthy, productive Alaskans, or we can face the facts by asking questions.

In these surveys, students will be asked about the positive and negative things in their lives that affect their decisions about school, extra-curricular activities, sports and other habits. Be encouraged that our School District wants to continue to gather this important information to better plan curricula, programs and activities as well as evaluate progress made. That means future decisions will be based on current information from the students rather than adult guesses and "national trends."

Active parent consent is a reality in other states too, in fact whenever federal funds are used to design Safe and Drug Free Schools Programs. The experience of parents in these communities is encouraging. Parents look forward to hearing about results and being part of the solution. That's how schools, parents, families and businesses can work together to address strengths and weaknesses in the community. The Anchorage School District will do that through this newspaper, meetings and reports to schools.

You are encouraged to stay involved with your kids by signing parent permission forms giving your approval for your child to complete the survey.

- Judith Bendersky

Anchorage

ANCHORAGE DAILY NEWS
Letters
APR 14 1999

HB 70 supports parents' rights

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I support passing House Bill 70 to protect my parental rights to give written permission when it deals with schools asking my children personal questions. I cannot depend on the Anchorage School District to guarantee that my children's right to privacy is protected. When schools ask students private questions, I want to know about it before they're asked.

It's my parental right to guide my children as they learn what and how much of themselves they should divulge and to whom. It's my parental duty, not the school's, to teach values to my children. It's my parental responsibility to keep track and monitor what my children do.

Please support HB 70 so it will become law. This school district has already shown me indifference when I've gone to them for help in resolving situations with my children. What about teaching students so they can get their diplomas, instead of snooping into private lives? Whose business is it anyway? Help me protect our children's right to privacy when we can't be there to protect them.

This bill was introduced by Rep. Fred Dyson and is being heard by the Health, Education and Social Services Committee. Call your local Legislative Information Office to find out when. Last I knew, they would take public testimony on the bill on Thursday. In Anchorage, call the LIO at 258-8111 and sign up to testify. Also send support by e-mail to Representative_Fred_Dyson@legis.state.ak.us.

P.S. I'm an ordinary citizen, I don't work in the health industry, and I don't live on the Hillside.

- Frank R. Phillips

Anchorage

Subject: HB 70 Support

Date: Wed, 14 Apr 1999 18:26:57 -0500

From: Andree McLeod <mcleodak@alaska.net>

To: Representative Dyson <Representative_Fred_Dyson@legis.state.ak.us>

Dear Representaive Fred Dyson,

Thank you for taking the time to protect parent's and family's right to privacy.

It's hard enough raising children without having to worry about government agencies going into schools behind our backs, intruding in on our children's privacy and diminishing their study time at school by asking questions. The compromise you have reached in your bill, as I understand it, is to give annual blanket permission at the time of school registration. Also, parents will be notified in advance before specific surveys are administered where parents can opt to not have their children participate. Again, thank you for all your efforts on this issue. It has not been easy dealing with most health professional in this state as they have used their power to usurp our privacy. But when the Attorney General's office backs the Administration's position, hopelessness and helplessness abounds for us common folk. You have truly been a saving grace.

Andree McLeod

Subject: PHHS Block Grant Follow-up

Date: Fri, 18 Sep 1998 10:39:14 -0800

From: "Ray, Glenn S." <GlenR@health.state.ak.us>

To: "McLeod, Andree" <mcleodak@alaska.net>

CC: "Carr, Patricia A." <PCarr@health.state.ak.us>,

"Johnson, Mark S." <MarkJ@health.state.ak.us>,

"Lowe, Sharon K." <SLOWE@health.state.ak.us>

This note follows our morning telephone conversation of September 18, 1998 in which you asked me for responses to the following three questions.

1. What is the purpose of the Preventive Health and Health Services (PHHS) Block Grant? According to the Public Health Service Act, Title XIX - Block Grants, section 1904, it reads "...payments made to a State under section 1903 may be used for: (A) Activities consistent with making progress toward achieving the objectives established by the Secretary for the health status of the population of the United States for the year 2000. (B) Preventive health services programs for the control of rodents and for community and school-based fluoridation programs. (C) Feasibility studies and planning for emergency medical services systems and the establishment, expansion and improvement of such systems.... (D) Providing services to victims of sex offenses and for prevention of sex offenses. (E) With respect to activities described in any of subparagraphs (A) through (D), related planning, administration and educational services. (F) Monitoring and evaluation of activities carried out under any of subparagraphs (A) through (E).

2. What is the amount of PHHS block grant funds being used for YRBS in SFY 99? \$64.0 is allocated for support of 1 FTE to implement the YRBS in SFY 99. The position is placed within the Section of Epidemiology and located in Anchorage. This \$64.0 for YRBS personnel is not included in the budget that Sharon Lowe reported in response to Rep. Mulder's question regarding the PHHS block grant because these YRBS funds are used directly by the Section of Epidemiology and do not pass through the Section of Community Health and EMS. The clerical person retrieving block grant budgetary information for Sharon was not familiar with the block grant and I was in Anchorage and unavailable to provide Sharon with the correct information.

3. What is the total amount of PHHS block grant funds and what is the amount of PHHS block grant funds not allocated for any program use in FY 99? This question is not easy to answer because, 1) I do not have a final fiscal report from the DHHS/Division of Administrative Services as to expenditures charged to the PHHS block grant during state FY 98 and 2) the amount of the federal FY 99 (FFY 99) PHHS block grant is currently being determined by Congress. Congress may reduce the total PHHS block grant by 29 million dollars in FFY 99 which will cause a decrease in the Alaska award by approximately \$106.0. Until there is a final Congressional decision it is safest to assume that there are no unallocated funds.

If the block grant is awarded in FFY 99 at the same level as the FFY 98 amount this would mean that there would be approximately \$100.0 unallocated funds available by July 1, 1999. But, if Congress significantly reduces the PHHS block grant allocation, even by \$50.0 or \$60.0, this will cause a re-evaluation of current funding priorities and it is not possible to guess at a likely unallocated amount.

Subject: Request for information about YRBS

Date: Fri, 2 Oct 1998 07:03:50 -0800

From: "Ray, Glenn S." <GlenR@health.state.ak.us>

To: "McLeod, Andree" <mcleodak@alaska.net>

Ms. McLeod, you requested information regarding how the Behavioral Risk Factor Surveillance Survey (BRFSS) is funded.

1. An amount of \$73,500 is allocated from the Preventive Health and Health Services Block Grant for BRFSS. In order to fully fund this program the state was successful in securing a grant from the Centers of Disease Control and Prevention (CDC) for \$87,000 specifically for the implementation of the BRFSS. This specific CDC grant was awarded for a five-year period which ends October 30, 1999.

2. Regarding use of the CDC/BRFSS grant, use of funds is determined in the application process. Funds may only be used for implementation of BRFSS with final approval by CDC of the state's yearly budget proposal.

From: Andree McLeod [SMTP:mcleodak@alaska.net]
<mailto:mcleodak@alaska.net>
Sent: Monday, September 28, 1998 11:32 AM
To: Ray, Glenn S.
Subject: Re: Response to telephone message

Thank you Ray. I appreciate your help on all this. My question was: other than the \$73,500 allocated for the adult risk behavioral survey, what other money goes towards the survey and from where does it come from. I thought I remember you saying that CDC sends money to the survey through another grant. What is the total amount of that grant and who decides how that is spent? Thank you again. I'll try to make it to the telephone to make that meeting but prior commitments might supercede.

Ray, Glenn S. wrote:

> You may join the Community Health Promotion Advisory Committee meeting by
> dialing in on the Anchorage number that I previously sent you - 751-8000.
> The operator is likely to ask for your name and location (community name)
> and then connect you with the other people on line. If there is any
> difficulty reaching the teleconference operator you can call Eric Peter at
> my office for assistance - 465-3140.
>
> In your phone message there were several questions as to grants from the
Behavioral Risk
> Factor Surveillance Survey (BRFSS). I will be happy to supply you with any
> information that I have in response to your questions but, to help me be as
> accurate as possible I need you to submit your questions in writing. To
> save time this can be done via e-mail to glenr@health.state.ak.us
<mailto:glenr@health.state.ak.us> .

Subject: HB70

Date: Fri, 16 Apr 1999 07:12:28 -0800

From: "Larry Erickson" <erickson@ptialaska.net>

To: "Carl Green" <Representative_Carl_Green@legis.state.ak.us>,
"Fred Dyson" <Representative_Fred_Dyson@legis.state.ak.us>,
"Jim Whitaker" <Representative_Jim_Whitaker@legis.state.ak.us>,
"Joe Green" <Representative_Joe_Green@legis.state.ak.us>,
"John Coghill" <Representative_John_Coghill@legis.state.ak.us>,
"Tom Brice" <Representative_Tom_Brice@legis.state.ak.us>

CC: "Mike Tauriainen" <mtpentl@alaska.net>,
"Lisa Torkelson" <Lisa_Torkelson@legis.state.ak.us>

Honorable Representatives,

Thank you for passing HB70 out of committee on to the House. I pray that your colleagues will understand the importance of passing this bill as all of you have. I believe this bill will open many parents eyes to what the government funding school system is doing to our children. When parents have to give permission for their children to be exposed to the humiliating and degrading experience of having to read and answer the graphic and intrusive question that are on these government forced school surveys they many decide to get more involved in what the school system is spending their time and our children's time on.

Thank you again for caring for our children!

Larry Erickson

Subject: HB 70 "Public School Surveys"

Date: Sun, 18 Apr 1999 10:34:18 -0800

From: "jferrell" <jferrell@alaska.net>

To: <Representative_Fred_Dyson@Legis.state.ak.us>

Dear Representative Dyson:

I support the passage of HB 70. The kind of Personal information asked of our students on the Youth Risk Behavior Survey is alarming. I believe that underage, minor children are the chief responsibility of their parents. I empathize with the health care providers who feel this intimate information is essential to preventing some of these high risk behaviors. I believe the statistics are well known, knowing the exact numbers is not essential to helping youth avoid risky behavior. I would prefer to err on the side of parental authority. Thank you for your efforts on behalf of Parental Rights.

Sincerely,

Lorraine M. Ferrell

Fairbanks, Alaska

Parental Consent

Adopted by Alaska PTA Convention, April 27, 1990

- Whereas, Parents are recognized as the primary educators of their children; and
- Whereas, There has been an increase in the number of testing and survey instruments being used to evaluate our children's attitudes toward school, their coping skills, and their feelings about themselves and their experiences; and
- Whereas, Alaska School Law (Chapter 4, Sec. 14.03.110) mandates that questionnaires and surveys which inquire into the private family affairs of the student which are not a matter of public record require written permission from the student's parent or guardian before they may be administered; and
- Whereas, The Protection of Pupil Rights Act (20 U.S. Code 1232h) states that no student shall be required to take part in psychiatric or psychological examinations, testing, or treatment in which the primary purpose is to reveal private information, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minors, without the prior written consent of the parent; therefore be it
- Resolved, That the Alaska PTA supports strict adherence by all Alaska school districts to Federal and State laws requiring written, informed parental consent for both elementary and secondary students prior to the administration of the above described attitude surveys and tests.

Rationale

In an attempt to assess the needs of children, some school districts have developed a number of testing and survey instruments which measure the affective area of a child's being. These instruments attempt to measure things such as locus of control, attitude toward school, general self-esteem, academic self-esteem, social interaction, coping with stress and anxiety skills, health habits, and identification with school. In many cases, teachers, school psychologists, and administrators discuss and analyze results among themselves and with students, but not with parents. Students have been encouraged to dialogue with teachers about their feelings in regard to affective testing instruments, but parents have not generally been included.

Specific written parental consent forms are often utilized at the elementary level, but hardly ever at the secondary level.

High school students who are taking health classes or AIDS curricula are often required to take attitudes surveys dealing with feelings toward AIDS, homosexuals, sexual feelings, and sexual behavior. These surveys fall under the "Protection of Pupil Rights" federal statute and require written parental consent.

Clarification of and adherence to Federal and State statutes is required of all school districts in the State of Alaska. Psychological probing and surveying should not be done without parental consent and knowledge.



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 National PTA Region VII Director

Alaska PTA

PO Box 201496
 Anchorage, Alaska
 99520

The Alaska PTA, the state's largest child advocacy organization representing almost 16,000 members, follows the lead of the National PTA in support of the Youth Risk Behavior Surveys (YRBS).

The Alaska PTA delegates stated their concern about the health, safety and welfare of Alaska's children at our 1998 Issues Conference. The results of the survey will assist state and local agencies to plan and implement school health programs.

We encourage the parents to be informed and involved in these efforts and applaud the methodology of collection of the data that allows anonymity for the participants.

The Alaska PTA is pleased to support and cooperate with the Alaska's Departments of Health and Education.

Sincerely,

Paula Pawlowski
 Paula Pawlowski,
 Alaska PTA President

cc Tammy Green, Dept of Health & Human Services
 Bob Christal, Superintendent Anchorage School District
 Harriet Drummond, Chair, Anchorage School Board Association
 Diane Eter, President, Anchorage Council PTAs
 Ginger Jenkinson, Region IV, Alaska PTA Board of Managers
 Peggy Brown, Health & Safety Chair, Alaska PTA Board of Managers

Phone/Fax 907-279-9345

Email ak_office@pta.org

Subject: CSHB 70 (RLS)AM

Date: Thu, 13 May 1999 13:41:29 +0000

From: Charles Hubbard <chubbard@alaska.net>

To: Sentor_Tim_Kelly@legis.state.ak.us

CC: Senator_Loren_Leman@legis.state.ak.us, Senator_Mike_Miller@legis.state.ak.us,
Senator_Drue_Pearce@legis.state.ak.us, Senator_Johnny_Ellis@legis.state.ak.us,
Representative_Fred_Dyson@legis.state.ak.us,
Representative_Norm_Rokeberg@legis.state.ak.us,
Representative_Mary_Kapsner@legis.state.ak.us, Representative_Eric_Croft@legis.state.ak.us

Dear Senator Kelly and Members of the Rules Committee:

I am writing today to request that HB 70 (An act relating to questionnaires or surveys administered in public schools) be passed out of the Senate Rules Committee for Senate floor action prior to adjournment next week.

There has been a flurry of activity against this bill by DOE and DH&SS. Both Departments are quite willing to allow "passive" parent permission in response to administering the Youth Risk Behavior Survey. Passive permission means that if the school doesn't hear a "yes" or "no" from the parents, then it's OK.

Parents have become the bad guys, because parents are requesting that "active" parent permission be obtained prior to administering the surveys to their children. Active permission means that if there is no written response from parents (either a yes or no), then the child does not participate. What is so wrong with asking parents to state in writing a "yes" or "no" response to the question of letting their children participate in this survey? Parents are asked to actively give permission for or to participate in almost everything else that involves their children in school or in the classroom.

Actually the YRBS is just a catalyst to another larger problem. There are other surveys and questionnaires being given to children that the parents sometimes find out about and, I think, sometimes they don't. There have been some cases where the administration of a school doesn't even know about questionnaires being given to students in their own school.

Personally, I would rather have knowledge about what is being given to my children or any children, before they are asked to participate. I would also like to see what I'm paying for. I would like to know why any questionnaire is necessary, of what good are the results, how are the results going to be used and is this so necessary that it takes away instruction time from every student in the class.

These are questions that every parent should be asking, including many of you. If you don't currently have children in school, maybe you have nieces or nephews in school. You might have close friends that have children in school. School is a time for instruction and learning. Taking surveys and questionnaires might not be a part of the instruction and learning process. If they aren't, then parents should be given the "active" right to say "yes" or "no". A parent's right to participate in the classroom education process should not be abridged.

Thank you in advance for your consideration of my comments.

Sincerely,

Dee Hubbard
4251 Pinnacle Circle
Anchorage, AK 99504

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WorldNetDailyTM

Saturday, January 26, 2002

ELLEN MAKKAI
HEART OF THE MATTER



Schools snoop for scandal

By Ellen Makkai

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What happened to readin' and writin' and 'rithmetic? Today students are being grilled like delinquents about non-academics such as sex, drugs and hooch.

Invasive school surveys ask students if they drink, smoke, snort or steal. Are their parents political, abusive, divorced or dead? Do they believe in God, hell and heaven? Have they ever been bullied, pregnant, arrested or raped? Do they floss, bike or jog? Are they fat, skinny or suicidal? Do they have sex, hobbies or a gun?

Never are they asked if they are embarrassed by the questions. Nor are they read their Miranda rights.

School, government and psychology confederates seem pathologically compelled to guinea pig our kids. Questionnaires arrive from groups like the Centers for Disease Control, Weekly Reader, the U.S. Department of Education, the Kaiser Family Foundation and National Parents Commission.

Government and private grants seduce districts into using these student interrogations, which are then used to convince benefactors that districts need help – the bigger the problems, the bigger the prize.

"If a district proves itself to be in rough enough shape," financial faucets open, says Edward Freeland, associate director of the Survey Research Center at Princeton University. "Consequently, surveys contain some bizarre questions."

Not only are questions bizarre, many are offensive. And parents seldom know Junior is spilling the beans, says family advocate Brad Dacus, president of the non-profit Pacific Justice Institute.

Organizations hope data will translate into programs that preemptively squelch a myriad of social evils.

But do they? Principal Frank DeAngelis said the Columbine killers projected no criminal indicators at school before their rampage.

Also, data is compromised. A 12-year-old New Jersey jokester confided he morphed into an 18-year-old Chinese girl on his survey. Another supposedly had 12 sex partners in a week.

Anonymity isn't guaranteed because some schools pre-labeled polls or have kids sign names. Teacher integrity is questioned – they snoop, say enraged Oregonians, whose kids responded to the Values Appraisal Scale.

If school boards and legislators don't halt the practice, students will continue to slog through surveys, exposing family ills and ills to the scrutiny of strangers.

"Notification and permission slips are so vague, no one suspects what's happening," says parent Carole Nunn, whose complaint prompted recent New Jersey state legislation. With any hint of a survey, "parents need to read them and opt kids out."

New Jersey's law states that students cannot be quizzed on personal issues unless parents give informed written consent. It is the only state to do so.

The new federal education reform bill tried for similar protection. Groups like the American Psychological Association – worried parents would deny them access to their kids – lobbied successfully to have it diluted.

"If you could eliminate an entire race, would you? Which one?" a Bettendorf, Iowa, survey asked in 1992. Youngsters get details on oral sex in one question on the CDC's 1999 Youth Risk Behavior Surveys given to grades seven to 12. Another lists street names where illegal drugs are sold and asks which substances respondents have sampled.

Dr. Freeland wonders if such questions nudge kids to explore behavior noted in the questions themselves. "There is no data about the potential harm rendered," he says. This begs the question: Does negative scrutiny send negative signals? Is a child's self-perception damaged when respected adults deem it necessary to quiz her on immoral and illegal conduct? "We need to look at these factors," says Dr. Freeland.

Ask me; I know. I am a refugee of childhood physical and psychological inquisitions. My psychiatrist father saw me as a handy specimen for perpetual analysis.

I was a "polio pioneer," testing the Salk vaccine in the early '50s. Rorschach inkblots probed my psyche. As a humiliated 11-year-old, I was photographed in my underpants at school for posture screening. Intermingled throughout was a psychiatric couch.

I wondered what acute personal flaws prompted the unceasing assessments.

When I taught 30 years ago, family sovereignty was honored, except in unique crises. Students concentrated on academics, athletics and the arts. Today, educators must refocus on that original scholastic mandate.

And ditch the ignoble school survey, which is little more than a sociological strip search.

Ellen Makkai began writing columns 16 years ago in response to what she perceived as the moral and

Members of the House HESS Committee

Re: HB 408

We would appreciate your giving this measure very critical consideration.

While the objective of the school districts seems laudible enough, that is, having sufficient information to justify federal grant requests, the potential for abuse by school districts and the patent ability within the language of the proposed bill to circumvent parental desire for their children not to participate in personal surveys or questionnaires makes it very inappropriate to change the procedures placed in statute only three years ago.

Three years ago, the Legislature adopted a comprehensive method for school districts to conduct surveys and questionnaires that balanced the interest of the schools to have information with the parents' rights to review and refuse participation in surveys or questionnaires that they felt delved into personal family matters which they did not want documented.

This office is concerned that these surveys can, and in other places do, probe into family health issues, religious practices, student participation in out of school activities and other matters well beyond the purvue of student education.

We do not categorically oppose surveys or questionnaires of any kind, but we do believe that it is essential for parents to have adequate notice of these surveys and the ability to review them and consider whether their child should participate in them before the survey or questionnaire is taken.

We favored the 1999 legislation because it placed the burden on the school district to notify parents and obtain affirmative permission to include students in the study. The proposed legislation reverses the burden and makes it incumbent upon parents to know when surveys might be administered, to make inquiry as to the content, purpose, etc. of the surveys and then to notify of their denial of permission.

It is inappropriate and impractical to expect parents to be constantly inquiring of the school as whether they are contemplating a survey. This legislation gives school districts too much latitude to presume permission and conduct invasive studies without any parental awareness.

We would be most grateful if you would include these concerns in your review of this legislation.

Yours cordially,

Richard L. Block

Richard L. Block

(t) 907 562 5183

Christian Science Committee on Publication (Ak.t.f.) 877 330 5183

for the State of Alaska (f)

907 562 5187

360 W. Benson Blvd., Suite 301 (e)

akcompub@sinbad.net

Anchorage, Alaska 99503

My name is Lisa Torkelson. I'm a parent of two and a contributor to that big Federal money pot in the sky. Three short years ago, HB 70 passed overwhelmingly with only 3 nay votes between the house and senate, and was signed into law by the Governor. HB 408 before you now rips the heart out of HB 70 under the guise of minor cosmetic surgery. Whereas parents were specifically added to the process, HB 408 neatly carves them out. With all its repealing and reenacting, HB 408 appears to have changed little from the original bill. However, the little that remains doesn't include parents. You may hear that schools need HB 408 to do the Youth Risk Behavior Survey and get Federal grant monies. Well, HB 70 never ended survey collection. There is nothing in current law that prohibits school districts from getting information they want. They just need to notify parents of their intentions; permission is only required for inquiries into "personal or family affairs". To promote efficiency, "blanket permission" was allowed at the beginning of each school year (as in during registration when parents and students are already signing other paperwork). The goal was to include parents in the loop, but not make the process onerous and cumbersome for the schools. On the other hand, under HB 408, anonymous surveys of any subject would no longer have a check and balance system. On page 1, Line 6-7, 11, as long as anonymity is maintained, a district inquiring about students, their families, or any other subject would be totally permissible. That's like telling parents, "leave us your kids, but don't let the door hit you on your way out". Current law requires at least notification for every other type of non-personal survey. This still keeps parents in the loop, but provides more of a "heads up" than requires an active role. In HB 408, it is no longer clear whether or not "notification" is even required for anonymous surveys. And finally, HB 70 narrowly defined "questionnaire or survey". This definition no longer exists in the bill before you now. You may hear from schools that they are finding it difficult to get parents permission which is why they need the onus of getting it removed. However, has it occurred to them that perhaps parents don't want their kids surveyed? Parents are the best judges of what their kids should be exposed to and when. Long ago it was decided that children below the age of majority were to be under their parents' jurisdiction. This is still true today no matter how noble the cause. When schools want to ask personal and probing questions, parents have a right to respond with their child's best interest in mind. HB 70 was all about protecting parents; HB408 is all about protecting funding for bureaucracies. I'll conclude by requesting you to support parents' rights and vote Do Not Pass on HB 408. Thank you for your time and listening ears. By the way, Mr. Chairman, how will you respond to HB 408 gutting the intent of your original bill?



Alaska State Legislature

Please enter into the record my testimony to the HES S
Committee name

Committee on HB 408, dated 3-26-02
Bill/Subject

I support HB 408.

From my observations of parents in the Mat-Su S.D., they have been open to having their students participate in school surveys. However, logistics under AS 14.03.110 for getting a signed permission slip for over 13,000 students has proved an overwhelming task for our schools. Under this statute we have seriously reduced numbers of students participating in surveys. This school year we did not receive enough signed permission slips for the Youth Risk Behavior Survey to constitute a representative sample of the students in the District. The information gathered with this survey is especially useful in planning programs and other required as background information when writing and applying for federal grants.

Signed: George Trull
Testifier

Mat-Su Borough School District
Representing (Optional)

125 W. Evergreen, Palmer, AK 99645
Address

(907) 746-9272
Phone number

Subject: HB 408 As it pertains to inschool surveys

Date: Sat, 06 Apr 2002 17:19:11 -0900

From: allen johnson <ajohnson@kpunet.net>

To: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

CC: Peggy Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Fred Dyson <Representative_Fred_Dyson@legis.state.ak.us>

Representative Bunde,

Quite a tragic moment to learn that you are the lead on this bill. Aside from the "Loss" of Federal Money, often is a better choice than the consequence of accepting what is never "Free". There is a price and in the case of this funding, intrusion beyond the need to know.

I am here to strongly object to the content of this bill as it relates to school surveys. As a former school board member who had involvement and strong disagreement with this type of program I objected to any format that did not require written approval prior to any survey to a child by that child's parent(s) or guardian. Period end of discussion.

The Hatch law is clear as to what is disallowed in such a survey. Sex information, family information and such is absolutely the privilege of the family not the social agencies that constantly band together to form strong lobby pressure for more "Fed Funds". *(I don't particularly care if your shorts are dirty and I sure as hell don't want you to know if my are!!! but in essence this is the quality of the questions that these surveys project .)*

What has transpired in terms of improvement or corrections as a result of past survey information obtained by this dubious method? Nothing. Nothing will result of any future surveys except the huge expenditure of federal funding and the intrusion into family areas that are not the concern of outsider social manipulators. So where is the requirement of private schools or home schoolers to provide this data? There is none and rightfully so. Because is is a public education, parents and guardians are not to be ignored or bypassed.

Please advise me if you have had the second thoughts on this bill and will withdraw your support, that a man of your character should be demonstrating to the general public. I request your reply as a long time supporter of past endeavors by your good office.

Respectfully

Al Johnson- Ketchikan

Subject: HB 408

Date: Sat, 6 Apr 2002 20:07:52 +0400

From: "Bejean Page, Owner/ Forget-Me-Not Demos" <demosalaska@gci.net>

To: "Representative Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>

CC: "Fred Dyson" <Representative_Fred_Dyson@legis.state.ak.us>, "Peggy Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>

Dear Con,

As constituents of yours for many years, my wife Bejean and I have been proud and supportive of most positions you have taken in the legislature. We commend you for the good work you have done to maximize the benefit for tax dollars expended, and the good judgment that has been a hallmark for you.

So, I need a big explanation for why you are ramrodding the latest liberal effort to violate parents rights made clear in Title 20 1232h of the United States Code (aka Protection of Pupil Rights).

Prior to taking this lead position on HB408 I would suspect that you had reviewed circumstances in 1999 when the Anchorage School District got slapped down when they wanted to subject kids as young as twelve to a two plus hour inquisition into their sexual histories and attitudes, drug and social attitudes, and more. ASD was correctly advised that explicit parental approval was required - and Con, when you expressly ask for a parent's permission for their son or daughter to take this exhaustive, supposedly anonymous, personal violation - the door is slammed shut - because it is not a publicly financed schools business!!

Con, I have served as chair of the Chamber's Crime Prevention Committee, I co chaired a sub committee of the Governor's Conference on Youth & Justice, was president of the Youth Crime Prevention Education Committee, served on Mayor Fink's Panel on Youth Crime, and served on the legislatively mandated Adolescent Health Advisory Committee. Nothing I have seen would suggest that surveying total school populations with the Youth Risk Behavior Survey, or any similar survey will render reliable data resulting in effective prevention strategies. For crying out loud Con, no more than 5-10% of teens are at risk of indulging chronically in seriously unhealthy behavior.

If you want to do something responsible, spend more intense time with the small minority of kids we know to be "at risk".

Does it ever bother you to see Alaska's education and social service bureaucrats trying to implement programs like this one (all day kindergarten, later hour start for high school, etc.) almost simultaneously with New Jersey, California, Massachusetts and other states? Alaska (and those other states) all present the program as if it is presented in response to local concerns? It makes me sick.

HB 408 makes me sick, and I am sorry to see you sully yourself with it. I hope you reconsider the entire matter. I hope you and your staff do more research. I hope this bill dies a slow and glorious death in committee somewhere.

Jay Page

Subject: HB 408

Date: Mon, 8 Apr 2002 13:40:44 -0800

From: "Kevin Clarkson" <kclarkson@gci.net>

To: <Representative_Fred_Dyson@legis.state.ak.us>

Thank you Fred for standing against HB 408 and the School District's attempt to diminish parental rights regarding the surveying of their children. Keep up the good work.

Kevin

Subject: Fw: "Freedom of Choice"

Date: Tue, 9 Apr 2002 21:53:29 -0800

From: "Charlie Jones" <cwjones@wwdb.org>

To: "Annette Kreitzer" <Annette_Kreitzer@legis.state.ak.us>,
"Sharron Odell" <Sharron_Odell@legis.state.ak.us>,
"Linda Hay" <Linda_Hay@legis.state.ak.us>,
"Leona Oberts" <Leona_Oberts@legis.state.ak.us>,
"Kelly Huber" <Kelly_Huber@legis.state.ak.us>,
"Jennifer Yuhas" <Jennifer_Yuhas@legis.state.ak.us>,
"Linda Sylvester" <Linda_Sylvester@legis.state.ak.us>,
"Tammy Davis" <Tammy_Davis@legis.state.ak.us>,
"Janey Wineinger" <Janey_Wineinger@legis.state.ak.us>,
"Jason Hooley" <Jason_Hooley@legis.state.ak.us>,
"Arleen Voorhees" <Arleen_Voorhees@legis.state.ak.us>,
"Whitney Highland" <Whitney_Highland@legis.state.ak.us>,
"Randy Ruaro" <Randy_Ruaro@legis.st.ak.us>,
"Representative Lesil McGuire" <Representative_Lesil_McGuire@legis.state.ak.us>

----- Original Message -----

From: Charlie Jones

To: Charlie Jones

Sent: Tuesday, April 09, 2002 7:19 AM

Subject: "Freedom of Choice"

Dear Alaska State Legislative Member:

I am writing to ask your support for the successful movement and passage of SB 346 and HB 464 regarding Correspondence Programs in the State of Alaska. In my opinion, these bills offer critical long-term protection of a basic freedom for residents of Alaska--the freedom to choose how your own children are educated.

We currently teach our 4 children at home (ages 4,8,12, & 14) and are convinced that they are learning in the most efficient manner possible. Furthermore, they are developing a love of learning and constantly challenge us as parents to provide more varied subject matter based on their individual interests. The Correspondence Programs available in Alaska provide an invaluable resource that allows us to keep up with their progressing interests.

Please help protect the freedom and privilege of teaching our own children. I beseech you to get these bills moving right away. Give parents the right to determine how their children are educated and show your support for protection of one of our most basic freedoms--the "Freedom of Choice".

Thank you very much for your support.

Sincerely,

Charles W. Jones
10002 Crazy Horse Drive
Juneau, AK 99801
907-789-7636 (w)

Representative Lesil McGuire <Representative_Lesil_McGuire@legis.state.ak.us>; Senator Robin Taylor <Senator_Robin_Taylor@legis.state.ak.us>; Senator Lyda Green <Senator_Lyda_Green@legis.state.ak.us>; Senator Georgianna Lincoln <Senator_Georgianna_Lincoln@legis.state.ak.us>; Representative Jeannette James <Representative_Jeannette_James@legis.state.ak.us>; Representative Joe Hayes <Representative_Joe_Hayes@legis.state.ak.us>; Senator Alan Austerman <Senator_Alان_Austerman@legis.state.ak.us>; Senator John Cowdery <Senator_John_Cowdery@legis.state.ak.us>; Senator Bettye Davis <Senator_Bettye_Davis@legis.state.ak.us>; Senator Dave Donley <Senator_Dave_Donley@legis.state.ak.us>; Senator Johnny Ellis <Senator_Johnny_Ellis@legis.state.ak.us>; Senator Kim Elton <Senator_Kim_Elton@legis.state.ak.us>; Senator

Subject: Lisa's HB 408 testimony for April 9th

Date: Tue, 9 Apr 2002 15:12:00 -0800

From: Lisa Torkelson <lisa@advanced-design.com>

To: Jason_Hooley@legis.state.ak.us

My name is Lisa Torkelson. I am not paid by any organization, school district or agency to talk to you today. I am a full-time parent and I am here because HB 408 should...not...pass.

Passive consent is not consent. At the bank, in the school, and at the grocery store, only our signatures are consent. Surveys should be treated no differently.

I offer some brief points to consider:

1. Kids cannot go on field trips without parent's permission nor can they be given aspirin. Surveys should be no different.
2. There are sources of documented evidence that anonymity does NOT exist when surveying students in school.
3. There is a list of places where hard, reliable data can be gathered and it's not from a student survey.
4. We have been told that the Federal government does not make money contingent on the provision of specific survey data.
5. Federal law also prohibits making the 'sharing of personal data' mandatory when it is tied to grants.
6. Self-reported data is not reliable. The committee sources that can show where students have lied, bragged and played games with their answers.
7. If this bill passes, the school district will stand wide-open for potential lawsuits. And, I can tell you that lawsuits are much more expensive than most grants.
8. Finally, HB 408 does not limit questions to just those found in the YRBS...as if those aren't enough to make you pause. There is documented evidence that any topic is (and has been) open for discussion within the confines of a survey (race and gender of other family members, family stability, parent income, family extracurricular activities, allowance amounts, who all lives in a particular home, if parents like their kids, and a whole lot more but I will stop there).

Thank you for your time and attention. I know it is valuable. Please respect our right to privacy and vote Do Not Pass on HB 408.

Subject: Lisa's HB 408 testimony "backup"

Date: Tue, 9 Apr 2002 15:14:03 -0800

From: Lisa Torkelson <lisa@advanced-design.com>

To: Jason_Hooley@legis.state.ak.us

1)

ASD field trips require parent permission, but nothing is posted for surveys:
<http://www.asd.k12.ak.us/aboutasd/registration.html#fieldtrip>

2)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Mon, 8 Apr 2002 07:40:29 EDT

Anonymity does not exist when surveying students in schools. These surveys ask such specific questions (age, race, grade, sex, if you live with one or both parents, how long you've lived in town, the level of education of your father, of your mother, what grades you get, etc.). I would have no trouble picking out my child's survey out of 2000 surveys. These surveys are given in classes of 20-25 students, thus narrowing down which survey belongs to whom. Kids were saying that they had to hand in their surveys front-to-back, row-by-row (every teacher has a seating assignment chart). One student at our high school said he was caught changing his race on his survey so the administrator made him go to another room and fill it out correctly. A mother complained that when her child missed the survey on Friday, upon his return to school on Monday, he was made to take the survey while the rest of the class read. Another mother said her son was pulled into the office and questioned about his "alarming" answers on his survey. At one school, the surveys were actually labelled with the students' names. Let's not forget that these surveys have our children's fingerprints all over them. Ridgewood ignored the guidelines for administering the survey in an anonymous and voluntary fashion -- the only guideline they followed was that the students use a #2 pencil! What's to stop another school district like Ridgewood from doing the same thing?

3)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Mon, 8 Apr 2002 07:40:29 EDT

It seems to me that the Feds would want valid, accurate and reliable hard data. This can be found by gathering data from police stations, emergency rooms, drug and rehab centers, planned parenthood, mental health clinics, fire stations, social service agencies, etc. Relying on students to be truthful about their risky behaviors is not the way to go.

4)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Sat, 6 Apr 2002 08:26:28 EST

Testimony was heard from all the state agencies (state attorney general's office, health department, education department, schools boards association, etc.) bemoaning the fact that they would lose federal funding if they couldn't survey students and get back a high percentage of completed surveys (which would require passive consent because with active consent a low percentage of consent forms come back from the parents). Senator Martin, Chairman of the Senate Education Committee, **demande**d that these state agencies hand over to him letters from the federal agencies stating that federal funds were contingent on survey data. These state agencies could not produce these letters because no federal agency was going to put that in writing. Therefore, Senator Martin considered their testimony invalid.

5)

Federal Law: Title 20 USC 1232i:

(a) Refusal to supply personal data on students or families

Except as provided in section 1232g(b)(1)(D) of this title, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for a denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years. In the case of any dispute arising under this section, reasonable notice and opportunity for a hearing shall be afforded the applicant.

6)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Mon, 8 Apr 2002 07:40:29 EDT

Firstly, self-reported data is neither valid nor reliable. Kids lie on these surveys -- kids were bragging about how they changed their age, race and sex and then the fun and games began. Studies show that asking teens about their risky behaviors is not the way to seek legitimate survey data.

7)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Sat, 6 Apr 2002 08:26:28 EST

Regarding our lawsuit, after two years of court battle, we are just now entering into deposition and discovery. My attorney estimates that his legal bill so far is \$50,000 which means the school district's bill is probably about the same. Now that we are into the deposition and discovery phase, the legal fees are going to soar! Thank God Rutherford Institute is footing the bill. Of course, when (not if) we win the lawsuit, the school district's insurance company will be footing the total bill ... which I imagine will be in the hundreds of thousands.

8)

From: Caroleanunn@aol.com

Date: Sat, 6 Apr 2002 08:26:28 EST

Site related to the Ridgewood, New Jersey case in court
<http://www.geocities.com/ridgewoodschools/school.html>

Also, the United States Justice Foundation lists samples* (in PDF format) that can be downloaded:
<http://www.usjf.net/html/surveys.html>

*I will send these PDF files in a separate e-mail.

USJF NOTE: The following is a reproduction of survey material. The format has been adapted on these pages for viewing on the Web. Therefore, it is intended for reference only.

Personal Assessment and Awareness

Am I This or That?

Are you (circle the appropriate word in bold in each item);

1. More like a **teacher** or a student?
2. More **yes** or no?
3. More **here** or there?
4. More **political** or apolitical?
5. More **religious** or irreligious?
6. More like the **country** or the city?
7. More like the **present** or the future?
8. More of a **leader** or a follower?
9. More **physical** or mental?
10. More of an **arguer** or an agree-er?
11. More **Intuitive** or rational?
12. More **establishment** or anti-establishment?
13. More like a **tortoise** or a hare?
14. More likely to walk on thin **Ice** or to tiptoe through the tulips?
15. More like **patent leather** or suede?
16. More like a **paddle** or a ping pong ball?
17. More like a **word processor** or a quill pen?
18. More like a **falling star** or a beacon light on a mountain?
19. More like a **rock band** or a baroque string quartet?
20. More like a **clothes line** or a kite string?
21. More like a "No Trespassing" sign or a "**Public Fishing**" sign?
22. More like a **fly swatter** or fly paper?
23. More like **rollerblades** or a pogo stick?
24. More like a **file cabinet** or a liquor chest?
25. More like a **motorcycle** or a tandem bicycle?
26. More like a **gourmet** or a MacDonal'd's fan?
27. More like a **bubbling brook** or a placid lake?
28. More like a **screened porch** or a picture window?
29. More like a **mountain** or a valley?
30. More like a "**Stich in Time**" or "**Better Late than Never?**"

GETTING TO KNOW YOU

NAME _____ HOME PHONE # _____

WITH WHOM DO YOU LIVE?

WHAT KIND OF JOB DO THEY DO?

ARE YOUR PARENTS MARRIED__SEPARATED__DIVORCED __NEVER MARRIED__?

IF YOU HAVE A STEPPARENT, PLEASE TELL ME WHAT KIND OF RELATINSHIPYOU HAVE WITH THAT STEPPARENT?

HOW DO YOU GET ALONG AT HOME?

WHAT DO YOU CONSIDER TO BE THE BEST THING ABOUT YOUR HOME & THE WORST?

BEST

WORST

HOW DO YOU FEEL ABOUT SCHOOL?

WHY?

DO YOU HAVE A HARDTIME CONTROLLING YOUR TEMPER?

DO YOU THINK YOU WILL GRADUATE FROM HIGH SCHOOL?

WHY OR WHY NOT?

WHAT IS YOUR CAREER INTEREST?

HAS ANYBODY CLOSE TO YOU DIED IN THE LAST YEAR OR. SO?

IF YES, TELL WHO _____ WHEN _____ HOW _____

IF YOU COULD CHANGE ONE THING ABOUT YOUR FAMILY WHAT WOULD IT BE AND WHY?

IF YOU COULD CHANGE ONE THING ABOUT YOURSELF, WHAT WOULD IT BE AND WHY?

IF YOU COULD CHANGE ANYTHING IN THE WORLD WHEN YOU GROW UP. WHAT WOULD IT BE AND WHY?

WHAT'S THE MOST DIFFICULT THING FOR YOU IN YOUR LIFE RIGHT NOW & WHY?

WHAT'S THE MOST IMPORTANT THING TO YOU & WHY?

ARE YOU HAPPY? AND WHY?

WHAT KINDS OF THINGS DO YOU WORRY ABOUT?

DO YOU WORK? _____ WHERE? _____

WHAT'S THE THING YOU NEED MOST THAT YOU ARE NOT GETTING FROM YOUR FAMILY?

SELECT THE GROUP COUNSELING SESSIONS YOU WOULD LIKE TO PARTICIPATE:

- | | |
|--|---|
| <input type="checkbox"/> MANAGING ANGER | <input type="checkbox"/> INTERPERSONAL RELATIONSHIP |
| <input type="checkbox"/> PARENT /TEEN CONFLICT | <input type="checkbox"/> GRIEF/LOSS |
| <input type="checkbox"/> COPING WITH STRESS | <input type="checkbox"/> STUDY SKILLS |
| <input type="checkbox"/> NONE | OTHER _____ |

IS THERE ANYTHING EXTRA YOU WOULD LIKE TO TELL ME ABOUT YOURSELF?

For Reference Only

USJF NOTE: The following is a reproduction of the survey given in a journalism and history class, in Bettendorf Iowa. The format has been adapted on these pages for viewing over the Web. Therefore, it is intended for reference only.

Bettendorf Survey

Note: This poll is entirely anonymous except for your sex and your graduation year. Please answer as honestly as possible

Are you male or female?

What year are you?

Do you regard yourself as a bigot?

Do you think homosexuality is a problem society must deal with as strictly as possible?

Do you think people are born homosexual or do you think they choose to be homosexual?

Do you think everyone who wishes to become a United States citizen should be made to speak a minimal amount of the English language?

Do you think the United States was stolen from Native Americans or do you think Europeans rightfully colonized it?

Have you ever rolled up your car windows in a predominantly minority neighborhood?

Have you ever rolled up your windows in a predominately poor white neighborhood?

How would you feel about having a minority as your Physician?

Nationalities & Religions

- | | | |
|-----------------------------|--------------------------------|------------------------------|
| 1) Irish-Americans | 7) French-Americans | 13) Viet Nameese-Americans |
| 2) Hispanic-Americans | 8) Polish-Americans | 14) Native-Americans |
| 3) Italian-Americans | 9) German-Americans | 15) Middle-Eastern-Americans |
| 4) African-Americans | 10) Eastern-European-Americans | 16) Jews |
| 5) Eastern Indian-Americans | 11) Nordic-Americans | 17) Catholics |
| 6) British-Americans | 12) Japanese-Americans | 18) Protestants |
| | | 19) Other (Please Name) |

Which of the above do you think is responsible for the decline in the U.S.'s economy?

Which of the above do you think is more susceptible to alcoholism?

Which of the above do you think is the most likely to raise a large family (8 or more children)?

Which of the above do you think is most subject to suspicious criminal activity?

Which of the above are you most likely to assume does not speak fluent English?

Which of the above do you think is most likely to have any connection to organized crime?

Which of the above do you think is the most likely to have an income of over \$50,000?

Which of the above do you think would be most likely to eliminate an entire race?

Who has most influenced the way you feel about other races?

With whose influence have you most strongly disagreed?

If you could eliminate an entire race would you?

If yes, which one? (Responses will not be published)

Have you ever put someone down because they were of a different religion than you?

Have you ever or would you ever physically assault someone because of their sexual preference?

Would you ever associate with someone of the same sex who was either rumored to be or a self-declared homosexual?

Why or why not?

What do think about racism in general?

What do you think about individuals who use violence to support their bigoted beliefs?

Would someone else regard you as a bigot?

**ANCHORAGE SCHOOL DISTRICT
Anchorage, Alaska**

PARENT PERMISSION FORM

TO: _____ DATE: _____ 20____
(Name of school)

I/we hereby give permission for our son/daughter _____
(Name of student)
to attend the _____
(Activity)
in _____ on _____
(Location of activity) (Date of activity)

I/We understand that he/she will be traveling to this function via _____
and that proper supervision and chaperoning will be provided by the Anchorage School
District. It is agreed that _____
(Name of student)
will abide by all rules and regulations imposed by the School District authorities.

I/We further consent to emergency treatment by a physician in the event of injury to or illness
of my child during his/her participation in the above stated activity and waive, on behalf of
myself and my child, any liability to the Anchorage School District, and any of its agents or
employees, arising out of such treatment.

DATED IN _____, ALASKA, THIS _____ DAY
OF _____, 20_____.

Signature of Parent or Guardian

Signature of Student

01.14.2002

Sectional Analysis HB 408

Section 1: Repeals and rewrites a AS 14.03.110(a) thereby changing existing statute to allow 1) anonymous surveys without written permission. 2) It also removes a prohibition about questions that inquire into personal or private affairs.

Section 2: Repeals and rewrites 14.03.110(b) thereby it: 1)removes the section that allows the school district to get annual permission (for anonymous surveys) from the parents, and, 2) removes the requirement to notify parents 2 weeks before a survey. These two concepts are replaced with a requirement that each student's parent shall be provided the "opportunity to submit... denial of permission.

Section 3: Repeals and rewrites 14.03.110(c) thereby 1) removing the requirement for written permission and, 2) the requirement for a two week notice for non-anonymous surveys. These two concepts are replaced with a requirement for at least two weeks written notice of the right to ***grant or deny permission.*** No direction is given on what should be done with the written notice other than the school "shall provide" it. (The intent of this section could be technically satisfied with a posting on a "parent's bulletin board" in some remote corner of the school)

Section 4: Repeals and rewrites 14.03.110(d) The only significant change is that the written notice that must be "provided" to parents is defined to include directions for permission for taking the survey (which would not be needed if this bill was to pass) or for denial of permission.

Section 5: Amends 14.03.110(d) to require the parent to take the initiative to provide written denial of permission

United States Code : Title 20, Section 1232h

<http://www4.law.cornell.edu/uscode/20/1232h.text.html>

Sec. 1232h. Protection of pupil rights

(a) Inspection of instructional materials by parents or guardians

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

(b) Limits on survey, analysis, or evaluations

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning -

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent (*emphasis added*).

(c) Notice

Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) Enforcement

The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that -

- (1) there has been a failure to comply with such section; and
- (2) compliance with such section cannot be secured by voluntary means.

(e) Office and review board

ice of The Times

Solution to school survey issue at hand

By ANDRÉE MC CLOUD

Here are the top 10 reasons why people should contact legislators in support of House Bill 70, "An act relating to questionnaires or surveys administered in public schools."

1. Defend and protect privacy.

The Alaska Constitution states, "The right of the people to privacy is recognized and shall not be infringed upon." Parents are legally responsible for their children, who they send to school with an understanding that they'll be taught to read, write and do math. Anything done outside those parameters cannot be done without parents' prior knowledge. School administrators, teachers and parents work extremely hard at maintaining this fragile and sensitive mutual trust. Violating this trust has a chilling effect on this all-too-important partnership.

2. Ensure parents' right to know.

Existing state law says that parents must provide written permission before a school may hand out surveys dealing with "private family affairs." Bureaucrats in the Alaska Health and Social Services department find this phrase ambiguous. With legal opinions in hand challenging the meaning of the phrase, they have proceeded this past school year to insidiously, and in a stealth-like manner, administer surveys to students in 26 out of 28 school districts without getting prior written consent from parents. The surveys consisted of extremely private questions dealing with a student's personal behavior outside of school. (Anchorage Superintendent Bob Christal did not permit the surveys in the Anchorage School District, so students here were not harassed with these invasive surveys.) HB70 adds the word "personal" to the existing state law, which hopefully will dispel future confusion on the part of health department officials.

3. Clarify the term "written permission."

The bill stresses the type of permission schools must obtain before handing out surveys. Parents will decide to give or deny permission, in writing, at the time they register their child about whether they want their child to answer personal questions in anonymous surveys. For non-anonymous surveys, the school must contact parents and obtain additional written permission at least two weeks prior to administering them.



4. Stop erosion of academic time.

Surveys dealing with personal behaviors detract from the important task of learning. Parents who don't want their children wasting time on surveys finally have a say in the matter. One potential result of HB70 will be to indulge students with learning matters of academic substance instead of diminishing their educational opportunities.

5. Allow parents opportunity to accept rights and responsibilities.

Parents can exercise their right, duty and responsibility to teach children about privacy issues and when, how and to whom children should divulge private information.

6. Make parents accountable.

The governor's children's agenda is admirable in its intent to curb the abuse of children. However, most parents do follow the rules and don't break these laws. In the state's quest to find the people who violate child abuse laws, great care should be taken to not dilute personal and civil liberties of innocent people. Those fighting the war against abuse must look with a broader view and recognize that many Alaskan families lead functional lives. Most parents do know what is best for their children and strive to do better by them without government intervention.

7. Efficient government.

State health officials must find innovative methods for information gathering. Why survey each child? How about a stratified sample of the population? Or obtaining real, hard numbers by surveying health clinics and physicians who compile patient and service records? Health educators have told me that the "key-determinant" method of collecting data is not only more accurate but cheaper. It's our money paying for all this prying, after all.

8. Stimulate community involvement.

HB70 encourages communities and groups to start talking with young citizens. Sitka's Teen Center is in the forefront of this by initiating a program bringing adults and children together, outside of school, to speak about issues important in maintaining a healthy and risk-free community.

9. Track public health spending.

The controversy surrounding the bill should send a red flag to the Legislature to initiate a full and complete audit of public health and education funds used in this state. The reason for the intense lobbying efforts by health officials appears to have more to do with perpetuating their own welfare than that of the children. Bringing about accountability of public funds will guide the Legislature and inform taxpayers, who want to know where all the money is going.

10. The government's right to know does not supercede the right to privacy of Alaskan families.

Legislators are told that mainstream Alaskan parents don't really object to the way schools administer surveys. As a parent, I have strong feelings about being put in a taxing position, lobbying legislators to demand state health officials abide to the intent of the law (1979 House Journal), as students are used as guinea pigs to generate money from the feds, behind the back of parents.

Please support the survey bill by contacting the sponsor, Rep. Fred Dyson, as soon as you can. Phone: (907) 465-2199; Fax: (907) 465-4587; e-mail: Representative_Fred_Dyson@legis.state.ak.us

Andrée McClood of Anchorage is, among other things, a concerned parent and an unabashed citizens' advocate.

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Voters say loud, clear 'no'



Alaskans want fund left alone

By LIZ RUSKIN
Daily News reporter

The proposal to spend Permanent Fund earnings to balance Alaska's state budget went down in a landslide of "no" votes Tuesday.

With 100 percent of the precincts reporting statewide in the nonbinding, advisory election, 83 percent of voters said no.

The heart of the fiscal plan on the ballot was a proposal to use part of the earnings of the Permanent Fund for government, although it also pledged more budget cuts and about \$100 million in unspecified new revenue. The ballot: "After paying annual dividends to residents and inflation-proofing the permanent fund, should a portion of permanent fund investment earnings be used to help balance the state budget?"

Permanent Fund dividends would have been reduced in 2001 to \$1,340 — about \$500 less than they are otherwise projected to be.

Thirty-six percent of registered voters statewide came to the polls, although turnout was as high as 70 percent in some Bush villages. In several small communities — Bettles, Circle, Egegik, Foxton, Podre Bay, Stony River, Tuntutuliak — the vote was unanimous against the plan.

While "no" came in loud and clear from the polls, in urban Alaska as well as the Bush, what voters mean by it was harder to say. An unlikely coalition emerged to work for its defeat — slash-the-government conservatives alongside tax-the-oil companies environmentalists, among others — and voters interviewed Tuesday offered many reasons for voting no.

Some said they didn't believe the state has really cut the budget, despite the Legislature's claim that it has reduced state spending more than \$200 million over the past three

Mark Chocoma, Eddie Burke and Steve Conn celebrate at the South Anchorage community meeting. Many Alaskans were rejecting the proposal to spend Permanent Fund dough.

Back Page, VOTE

NEWS


Sharpened knives, sacred cow

Alaska Association of School Administrators
LEADERSHIP FOR LEARNING

323 Fourth St., Suite 404 • Juneau, AK 99801-1101

Phone: (907) 586-9702 (800) 478-9702 • Fax: (907) 586-5879



Date: April 9, 2002
To: Representative Con Bunde
From:  Warroll Hargraves, Executive Director
Subject: Support for HCR 23, Creating an Education Committee

Support was given to encourage the creation of standing committees for education at a recent meeting of public school superintendents. We have witnessed the massive workload for the current HESS committees and believe that health and social service activity is a tremendous workload without the activity required by education. Education has more bills introduced during a legislature than does any other state function.

A standing committee for education will provide adequate time and effort for the ever-increasing complexities of modern day educational issues.

The Alaska Association of School Administrators supports your effort to establish standing committees for education.

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20 USC Sec. 1232h

01/02/01

-EXPCITE-

TITLE 20 - EDUCATION

CHAPTER 31 - GENERAL PROVISIONS CONCERNING EDUCATION

SUBCHAPTER III - GENERAL REQUIREMENTS AND CONDITIONS CONCERNING

OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL

AUTHORITY OF SECRETARY

Part 4 - Records; Privacy; Limitation on Withholding Federal Funds

-HEAD-

Sec. 1232h. Protection of pupil rights

-STATUTE-

(a) Inspection of instructional materials by parents or guardians

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

(b) Limits on survey, analysis, or evaluations

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning -

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;

(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(c) Notice

Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) Enforcement

The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that -

(1) there has been a failure to comply with such section; and

(2) compliance with such section cannot be secured by voluntary means.

(e) Office and review board

The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

-SOURCE-

(Pub. L. 90-247, title IV, Sec. 445, formerly Sec. 439, as added Pub. L. 93-380, title V, Sec. 514(a), Aug. 21, 1974, 88 Stat. 574; amended Pub. L. 95-561, title XII, Sec. 1250, Nov. 1, 1978, 92 Stat. 2355; Pub. L. 103-227, title X, Sec. 1017, Mar. 31, 1994, 108 Stat. 268; renumbered Sec. 445, Pub. L. 103-382, title II, Sec. 212(b)(1), Oct. 20, 1994, 108 Stat. 3913.)

-MISC1-

PRIOR PROVISIONS

A prior section 445 of Pub. L. 90-247 was classified to section 1233d of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994 - Pub. L. 103-227 amended section generally, substituting in subsec. (a), provisions relating to inspection of instructional materials by parents or guardians for similar provisions, in subsec. (b), provisions relating to limits on survey, analysis, or evaluations for provisions relating to psychiatric or psychological examinations, testing, or treatment, and adding subsecs. (c) to (e).

1978 - Pub. L. 95-561 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-561 effective Oct. 1, 1978, see section 1530(a) of Pub. L. 95-561, set out as a note under section 1221e-3 of this title.

EFFECTIVE DATE

Section 514(b) of Pub. L. 93-380 provided that: "The amendment made by subsection (a) (enacting this section) shall be effective upon enactment of this Act (Aug. 21, 1974)."



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TITLE 20 - EDUCATION

CHAPTER 31 - GENERAL PROVISIONS CONCERNING EDUCATION

SUBCHAPTER III - GENERAL REQUIREMENTS AND CONDITIONS CONCERNING

OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL

AUTHORITY OF SECRETARY

Part 4 - Records; Privacy; Limitation on Withholding Federal Funds

-HEAD-

Sec. 1232i. Limitations on withholding of Federal assistance

-STATUTE-

(a) Refusal to supply personal data on students or families

Except as provided in section 1232g(b)(1)(D) of this title, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for a denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years. In the case of any dispute arising under this section, reasonable notice and opportunity for a hearing shall be afforded the applicant.

(b) Noncompliance with nondiscrimination provisions of Federal law

The extension of Federal financial assistance to a local educational agency may not be limited, deferred, or terminated by the Secretary on the ground of noncompliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or any other nondiscrimination provision of Federal law unless such agency is accorded the right of due process of law, which shall include -

(1) at least 30 days prior written notice of deferral to the agency, setting forth the particular program or programs which the Secretary finds to be operated in noncompliance with a specific provision of Federal law;

(2) the opportunity for a hearing on the record before a duly appointed administrative law judge within a 60-day period (unless such period is extended by mutual consent of the Secretary and such agency) from the commencement of any deferral;

(3) the conclusion of such hearing and the rendering of a decision on the merits by the administrative law judge within a period not to exceed 90 days from the commencement of such hearing, unless the judge finds by a decision that such hearing cannot be concluded or such decision cannot be rendered within such period, in which case such judge may extend such period for not to exceed 60 additional days;

(4) the limitation of any deferral of Federal financial assistance which may be imposed by the Secretary to a period not to exceed 15 days after the rendering of such decision unless there has been an express finding on such record that such agency has failed to comply with any such nondiscrimination provision of Federal law; and

(5) procedures, which shall be established by the Secretary, to ensure the availability of sufficient funds, without regard to any fiscal year limitations, to comply with the decision of such judge.

(c) Failure to comply with imposition of quotas

It shall be unlawful for the Secretary to defer or limit any Federal financial assistance on the basis of any failure to comply with the imposition of quotas (or any other numerical requirements which have the effect of imposing quotas) on the student admission practices of an institution of higher education or community college receiving Federal financial assistance.

-SOURCE-

(Pub. L. 90-247, title IV, Sec. 446, formerly Sec. 440, as added Pub. L. 93-380, title V, Sec. 515(a), Aug. 21, 1974, 88 Stat. 574; amended Pub. L. 94-482, title IV, Sec. 407, 408, Oct. 12, 1976, 90 Stat. 2232, 2233; renumbered Sec. 446 and amended Pub. L. 103-382, title II, Sec. 212(b)(1), (3)(C), Oct. 20, 1994, 108 Stat. 3913.)

-REFTEXT-

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (Sec. 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

-MISC2-

PRIOR PROVISIONS

A prior section 446 of Pub. L. 90-247 was classified to section 1233e of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994 - Subsec. (a). Pub. L. 103-382, Sec. 212(b)(3)(C), made technical amendment to reference to section 1232g(b)(1)(D) of this title to reflect renumbering of corresponding section of original act.

1976 - Pub. L. 94-482 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1976 AMENDMENT

New Jersey Permanent StatutesTITLE 18A EDUCATION18A:36-34. School surveys, certain, parental consent required before administration

1. a. Unless a school district receives prior written informed consent from a student's parent or legal guardian and provides for a copy of the document to be available for viewing at convenient locations and time periods, the school district shall not administer to a student any academic or nonacademic survey, assessment, analysis or evaluation which reveals information concerning:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or the student's family;
- (3) sexual behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom a respondent has a close family relationship;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or
- (8) social security number.

b. The school district shall request prior written informed consent at least two weeks prior to the administration of the survey, assessment, analysis or evaluation.

c. A student shall not participate in any survey, assessment, analysis or evaluation that concerns the issues listed in subsection a. of this section unless the school district has obtained prior written informed consent from that student's parent or guardian.

d. A school district that violates the provisions of this act shall be subject to such monetary penalties as determined by the commissioner.

L.2001,c.364.

FAX COVER SHEET**DATE:** April 9, 2002**FAX TO:** Representative Fred Dyson, Chairman
House Health, Education & Social Services (HESS) Committee
Fax: 907-465-4587**FROM:** Carole A. Nunn
515 Summit Street
Ridgewood, NJ 07450
Ph: 201-444-8449
Fax: 201-251-9789
E-mail: caroleanunn@aol.com**MESSAGE:**

I would hope that as your committee meets today to discuss HB 408 (passive parent permission for student surveys), your committee members would keep in mind the rights of parents and students under the U.S. Constitution. In our much publicized lawsuit involving the Ridgewood, NJ student survey issue, we allege that the administration of the survey:

- Compelled speech in violation of the First Amendment;
- Was an unreasonable intrusion into the household in violation of the Fourth and Fourteenth Amendments;
- Violated the substantive due process rights for the adults to raise their children as guaranteed by the Fifth and Fourteenth Amendments;
- Contravened the right to privacy under the Fourth, Fifth and Fourteenth Amendments;
- And violated the Fifth Amendment privilege against self-incrimination.

The Third Circuit Court of Appeals in their 12/10/01 decision stated that we failed to allege a violation of the "Fifth Amendment protection against compelled self-incrimination." They said in order for self-incrimination to be compelled, there must be a coercion that attaches significant penalties to non-compliance. Students were warned over the loudspeaker that if they did not report to take the survey, it would be considered a cut. Apparently, the court did not see that as a significant penalty. HOWEVER ... the Third Circuit Court went on to say: "We are not, however, prepared to say that C.N. could not, as a matter of law, establish any set of facts which would demonstrate violation of the other constitutional rights asserted."
A family's constitutional rights should come first.

Carole A. Nunn

A school survey outrage in Ridgewood, N.J.

Imagine a school where 13-year-old children are asked to report whether they have multiple sex partners and to answer questions concerning their parents and relatives' marital practices, addictions, weight and diseases. Could this be the Soviet Union, perhaps? Nazi Germany? Or America's own Ridgewood, New Jersey — where students and parents recently celebrated a victory won in a federal court, which ruled the families could argue in federal court that a forced survey gleaning personal information from students was unconstitutional.

The U.S. Department of Education also ruled that the school district violated federal law by surveying students on sex, drugs, and suicide without parental consent. The Ridgewood case also served as a catalyst for a new law passed in New Jersey on Jan. 7, which made it a federal requirement for parents to give informed written consent before students are given surveys or tests which could reveal such personal information as sexual behavior, family income and other personal family matters, regardless of whether the test was federally funded or not. Why does it take a new law and a two-year lawsuit to convince school board officials to respect civil liberties? The bad news is, it hasn't.

In the fall of 1999, students ages 11 to 18 in the Ridgewood School District were required to answer questions about their own drug use, sexual life and any illegal activity they had been involved in. The 156-question survey asked students to name how many times they had tried to kill themselves, made themselves throw up after they eat, used contraception or breathed the con-

they had been forced to take the survey during class time or be counted as absent. The case then went on to the U.S. Court of Appeals for the Third Circuit, where the three-judge panel ruled the district court was wrong, that plaintiffs could argue in federal court that the survey violated rights to silence, substantive due process, privacy and from household intrusion as pro-

from the appeals court which just ruled against them, and the case cannot proceed back to the U.S. District Court for the District of New Jersey until the panel decides whether to grant the school board's request.

Meanwhile, Ridgewood students were forced to submit to more of the same type of nosy questions — and worse. In a different survey disbursed once

ners, no protection from STDs or unwanted pregnancy, etc)?"

• "Are there guns in your home or the homes of your friends?"

• "Has your life changed significantly in the past year (e.g. through illness, your parents' divorce, a death in the family, financial problems, a move to another city)?"

If the child made it through questions on how many times he brushed his teeth, takes illegal drugs and drives drunk, he then gets to divulge the private life of mommy and daddy: "Do you have a parent, grandparent, brother, sister, aunt, or uncle who . . . Developed breast cancer? . . . Is an alcoholic? Is significantly overweight? Developed colon cancer?"

The child must then graph his positive and negative behaviors so that he can see in black and white how "at-risk" he is. A better question would be to ask how at-risk families are of being controlled by school board secret agents. The Department of Education ruling carried with it no penalties for the school district. Perhaps that could be amended to force the Ridgewood Board of Education to take the same surveys it gave to the children, and let the families of Ridgewood do the grading.

Sarah Means is an editorial writer for The Washington Times.

Students were asked to rate themselves on how at-risk they were for bad behavior. The children would then graph their positive and negative behaviors so that they could see in black and white how "at-risk" they are. A better question would be to ask how at-risk families are of being controlled by school board secret agents.

tents of an aerosol spray can to get high. This, without the parents' written consent or knowledge of the questions that would be asked. Judge Nicholas Politan of the U.S. District Court for the District of New Jersey dismissed the case in February of last year, falsely claiming that federal funds were not used — in fact, \$5,000 was gleaned from taxpayers for the survey — and disregarding students' sworn affidavits that

tected by the First, Fifth, Fourth and Fourteenth Amendments.

But that wasn't enough for the Ridgewood school board and Ridgewood Schools Superintendent Frederick Stokley, who still maintain that the survey was voluntary, even though every student in grades seven through 12 of the affected schools was made to take it, even if they had been absent. They have called for a rehearing by the same three-judge panel

again during gym class without parents' permission to George Washington Middle School last year, students were asked to rate themselves on how at-risk they were for bad behavior. Students had to put their names on the survey, titled "How am I," and were given a grade for it. A few of the survey questions given to seventh graders:

• "Are you engaging in risky sexual behavior (multiple part-

Surveys stir debate over privacy rights versus research

By Cheryl Wetzel
THE WASHINGTON TIMES

Have you ever had sexual intercourse ("gone all the way, made love")? As of January, students in New Jersey public schools can't be asked this kind of personal question on a survey without their parents' prior written consent.

The Jan. 9 law enacting this change has been hailed as a victory for privacy rights of parents and their children and something that should be adopted nationally.

Researchers, however, say the law is "excessive" and will jeopardize important research into teen behavior.

There has long been a tug of war over student surveys in schools.

Researchers agree that schools are the ideal place to survey teens and have typically addressed the need for parental consent with a technique called "passive consent," "active dissent" or "opt out."

With this technique, schools inform parents of an upcoming survey and ask them to tell the school if they don't want their children to take it — parents must "actively dissent" or "opt out." If the school doesn't hear from the parents, it assumes it has their "passive consent" to give the survey to their children.

The New Jersey law requires "active consent," which means par-

ents must tell the school that their children can take a survey. If parents don't say yes, their children cannot participate in any school survey that asks questions about politics, sex, drugs and other personal issues.

The law stems from a battle over a 156-question survey that was given in 1999 to more than 2,000 public middle- and high-school students in Ridgewood, N.J.

The survey asked teens about sexual activity, birth control, drugs, liquor, cigarettes, binge eating, depression, suicide, stealing, physical violence, and relationships with family and friends.

School officials said they notified parents several times about the survey but did not seek parental consent because the survey was voluntary.

Many Ridgewood parents were outraged by the survey, saying it introduced children to bad behaviors, invaded family privacy and instilled a politically liberal worldview.

"The questions were so politically correct," said Ridgewood mother Frances Edwards, noting that students were asked to assess their feelings about race relations, poverty and "speaking up for equality."

Amid a lengthy battle — which includes an ongoing lawsuit — New Jersey officials passed their law, which was hailed as a "great victory for parents" by Phyllis Schlafly, founder of the Eagle Forum.

"The school system is just obsessed with giving these nosy questionnaires," Mrs. Schlafly said.

Schools shouldn't use valuable classroom time on social surveys, but if they do, they should all require active parental consent, she said.

"Now in New Jersey, there will be one state where the parents will not always lose," said Michael Schwartz, vice president for government relations at Concerned Women for America, which supports parental rights in surveys.

Getting active parental consent for student surveys is "analogous to doing medical research," Mr. Schwartz said. Medical research can only be conducted on people who consent to it, he said. "Why in the world would we think you can do research on children without their parents' knowledge and consent?"

Shepherd Smith, president of the Institute for Youth Development, which publishes a journal on teen behaviors, is "empathetic to both sides" in the issue.

"Clearly as a parent, I'm not real excited about intrusive surveys in high school," he said. "At the same time, I understand that the data gained in these surveys is critically important to ultimately reducing the negative behaviors."

Supporters of the New Jersey law "may have won a Pyrrhic victory," said Lloyd D. Johnston, direc-

tor of the Monitoring the Future (MTF) survey.

The federally funded MTF, founded in 1975, goes into 400 schools every year to ask eighth, 10th- and 12th-graders about their substance abuse and other behaviors.

MTF uses active dissent in almost all its schools, said Mr. Johnston, who works at the Institute for Social Research at the University of Michigan.

In the few schools that require active consent, he said, MTF researchers have found that many parents don't return the consent form — "they didn't open their mail or get around to answering it," Mr. Johnston said.

As a result, as many as 30 percent of students are excluded from taking the MTF survey, even though, based on deeper research, fewer than 2 percent of parents actually object to the survey.

The loss of so many students "skews the findings in a serious and important way," Mr. Johnston said.

"Parents, more than anyone, stand to benefit from our having this knowledge," he said, noting that the MTF helped alert the nation to expanding marijuana use in the 1970s, cocaine use in the 1980s and ecstasy use in the 1990s.

"So I'm not sure the interests of parents are being well-served, even though it's in their name that these

efforts are taken," he said.

"I have yet to hear someone come up with an alternative approach to getting data other than asking the question," said Sarah Brown, director of the National Campaign to Prevent Teen Pregnancy.

Parental concerns about sensitive surveys of young teens are reasonable and should be addressed, perhaps with opt-out techniques, said Mrs. Brown. But there are compelling public health concerns that require data about teen behavior that have to be addressed as well, she said.

It's difficult to ask teens questions about topics such as oral sex, and yet "every time there's something in the paper, we get hysterical calls asking isn't it true that all the middle schoolers are having oral sex?"

"And I have to say, 'Well, I actually don't have any information. All I have is anecdotes,'" Mrs. Brown said.

"I see [the New Jersey law] as excessive," said Michael D. Resnick, a pediatrics professor at the University of Minnesota and researcher with the National Longitudinal Study of Adolescent Health (Add Health).

"The vast majority of parents are all right [with surveys] as long as they are informed," he said, citing his two decades of experience in researching teen behavior.

Board games prove popular in terror's wake, amid recession

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EDUCATION REPORTER

NUMBER 191

THE NEWSPAPER OF EDUCATION RIGHTS

JANUARY 2002

C.N. v. Ridgewood Board of Education

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-1637

C.N., individually and as Guardian Ad Litem of J.N., a minor;
L.M., individually and as Guardian Ad Litem of V.M., a minor;
M.E., individually and as Guardian Ad Litem of J.E., a minor,
Appellants

v.

RIDGEWOOD BOARD OF EDUCATION; FREDERICK J. STOKLEY; JOYCE SNIDER; RONALD
VERDICCHIO; ROBERT WEAKLEY; JOHN MUCCILO; ANTHONY BENCIVENGA; SHEILA
BROGAN

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil No. 00-cv-01072)
District Judge: Honorable Nicholas H. Politan

Argued November 9, 2001
Before: MCKEE, RENDELL, and STAPLETON, Circuit Judges

(Filed: December 10, 2001)

OPINION

Appellants C.N., et al., appeal from a grant of summary judgment in favor of the Ridgewood Board of Education and individually named defendants. C.N. urges that it was inappropriate to grant summary judgment without affording the opportunity to conduct discovery. We agree with C.N.'s contention. We will REVERSE in part and AFFIRM in part, the Order of the District Court, and REMAND for proceedings consistent with this Opinion. Because we are writing solely for the parties who are familiar with the facts and the procedural history, we will focus on the reasons for our decision. Our review of a grant of summary judgment is plenary, and the case is properly before us under 28 U.S.C. § 1291, since it is an appeal from a final judgment.

The District Court granted summary judgment to the Board of Education and to the individual Defendants on their proffered defenses of qualified immunity. Although both statutory and constitutional claims were raised, the District Court's opinion analyzes the statutory claims more closely. There is only one statutory provision before us on appeal, the Protection of Pupil Rights Amendment (P.P.R.A.), 20 U.S.C. § 1232h, which provides that parental consent must be secured prior to requiring students to submit to a survey or testing eliciting responses in any of several enumerated categories.

Under *Monell v. Dept. of Social Services of the City of New York*, 436 U.S. 658 (1978), § 1983 liability can attach to local governmental units when the allegedly unconstitutional action "implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." *Id.* at 690. In order for the Board of Education to be liable for the administration of the survey, the students must have been required to take the survey, and the requirement must have been in compliance with Board policy, not in violation of it.

In determining that there could be no liability as to the Board, the District Court equated a letter submitted by the Superintendent of Schools that informed parents approximately two months prior to the survey's administration that the survey would be administered voluntarily and anonymously with "Board policy." The Court reasoned that because the Board policy was that the survey be voluntary, it was not "required" as specified in the statute, and the Board had not violated the students' rights. Yet, the record reveals that the Superintendent is a non-voting member of the Board. A different Board member, Sheila Brogan, was actually assigned to the community group responsible for the survey. C.N. did not have the opportunity to depose her, nor to depose the remaining Board members to determine their understanding of Board policy. On summary judgment, it is initially the burden of the moving party — as to Board policy, the Board of Education — to demonstrate that there are no genuine issues of material fact, and that there are no unexplained gaps in the material facts presented. *Ideal Dairy Farms, Inc. v. John Labatt, Ltd.*, 90 F.3d 737, 743 (3d Cir. 1996). The party opposing summary judgment must then come forward and demonstrate by specific facts that there is a genuine issue for trial. *Id.* We have two problems with the District Court's grant of summary judgment as to the Board. First, the letter from the Superintendent does not conclusively establish Board policy. Second, even if the letter is probative as to the Board policy, C.N. never had the opportunity to challenge or probe through discovery what was offered as, and what actually was, the Board's policy.

C.N. repeatedly sought discovery. The Magistrate judge sua sponte foreclosed discovery initially and, despite repeated requests, the Court never permitted discovery to proceed. Because in order to withstand a Motion for Summary Judgment the non-moving party must demonstrate at a minimum sufficient evidence to demonstrate a genuine issue of fact (see, e.g., *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986)), and the evidence was not within plaintiff's control absent limited discovery, it was necessary for C.N. to have discovery in order for the Court adequately to weigh the propriety of a grant of summary judgment in favor of the Board. Consistent with the provisions of Fed. R. Civ. P. 56(f), the attorney for C.N. submitted an Affidavit explaining why C.N. needed discovery in order to withstand the Motion for Summary Judgment. App. at 287-89. In *Anderson*, 477 U.S. at 250 n.5, the Supreme Court noted that Rule 56(f) provides that "summary judgment be refused where the non-moving party has not had the opportunity to discover information that is essential to his position." *Id.* The burden on the non-moving party is thus premised on the assumption that "both parties have had ample opportunity for discovery." *Id.* On the facts before us, it was premature to grant summary judgment without allowing at least limited discovery.

The District Court granted summary judgment as to the remaining individual defendants based primarily on qualified immunity. Throughout its opinion, the District Court focused on the voluntary nature of the survey to support the grant of qualified immunity. However, the narrow issue of whether the survey was in fact "required" is actually a disputed fact issue based on the record. Affidavits from students, and the narrative of a conversation between a parent and one of the building principals, indicate that at least some of the students were not informed that the survey was voluntary, and that the circumstances that surrounded the administration of the survey were — given the nature of the school setting — sufficient to infer that those students were required to take the survey. Given this factual dispute, summary judgment should not have been granted on this basis. If a jury would find that the students were actually required to take the survey, then the District Court would have to address the further question in the qualified immunity analysis as to whether a teacher or principal in this setting would have reasonably understood that the survey was being administered in violation of the law. The facts that would inform these issues have not been the subject of discovery.

Qualified immunity, in the often repeated rhetoric of the Supreme Court, provides that "government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457

U.S. 800, 817-18 (1982). The precise act in question need not have been previously held unlawful, but the "contours of the right must be sufficiently clear" that a reasonable official performing the duties of the defendant would be on notice that his actions violated that right. *Gruenke v. Seip*, 225 F.3d 290, 299 (3d Cir. 2000).

While the Supreme Court has recognized that part of the purpose of the *Harlow* standard was to prevent unnecessary discovery, it has also acknowledged that not all defenses of qualified immunity can be properly disposed of on summary judgment without at least limited discovery. *Crawford-El v. Britton*, 523 U.S. 574, 593 (1998). We believe that in these narrow circumstances, where the questions of law as to the applicability of the statute and the actions and knowledge of the principals and teachers as to the nature of the survey are fact-bound, discovery would be appropriate, if not essential. Even without discovery, the record reveals, for example, the survey materials that were furnished to the School District (and invoiced to the Board) included copies of the P.P.R.A. Both sides agree, and did not disagree before the District Court, that the survey was purchased at least in part with federal grant funds. In the job descriptions attached for the individual defendants, several had responsibility for implementing state and federal laws, for grant administration and oversight, and for other areas in which they would be expected to have known of the statutes and regulations. Whether the entire packet of survey materials were provided to each of the individual defendants, and whether each defendant was aware that the survey had been purchased with grant funds and whether compliance with the P.P.R.A. was required by the terms of the grant is a question of fact that should not be disposed of in favor of the individual defendants on summary judgment without discovery.

In addition to its qualified immunity analysis, the District Court dismissed C.N.'s constitutional and statutory claims on their merits. As in the qualified immunity analysis above, C.N. should have the opportunity to argue the merits of the violation of the P.P.R.A. after being permitted to engage in discovery. The District Court's ruling on the merits was premature. C.N. also raised several constitutional claims. We agree with the District Court that, as a matter of law, C.N. has failed to allege a violation of the Fifth Amendment protection against compelled self-incrimination. Under our standard enunciated in *Fraternal Order of Police Lodge No. 5 v. City of Philadelphia*, 859 F.2d 276, 282-83 (3d Cir. 1988), compulsion in the Fifth Amendment context has an accepted meaning. In order for self-incrimination to be compelled, there must be a coercion that attaches significant penalties to non-compliance. While we did not define what the lower threshold of such threat would be in *Fraternal Order of Police*, we did note there that neither the parties nor we had found an "action short of firing that an employer could take that could constitute compulsion within the meaning of the fifth amendment. . . ." *Id.* at 283 and n.6. Here it was alleged that some students were informed that they would have been assigned unexcused absence had they not reported to take the survey. Like the alleged denial of promotion in *Fraternal Order of Police*, the harm that would result from compliance with the process is insufficient to constitute coercion within the meaning of the Fifth Amendment. *Id.*

We are not, however, prepared to say that C.N. could not, as a matter of law, establish any set of facts which would demonstrate violations of the other constitutional rights asserted. We believe that a conclusion as to the contours of these guarantees is specific to the factual setting and should be reached after discovery.

For the reasons cited above, we will AFFIRM the District Court's dismissal of C.N.'s Fifth Amendment self-incrimination claim, but REVERSE the remaining aspects of the District Court's Order and REMAND to the District Court for proceedings consistent with this Opinion.

TO THE CLERK OF COURT:
Please file the foregoing Unreported-
Not Precedential Opinion.

/s/Mariorie O. Rendell
Circuit Judge

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Subject: RE: HB408

Date: Tue, 9 Apr 2002 11:02:56 -0400

From: Rebecca A OHara <rebohara@juno.com>

To: Representative_Fred_Dyson@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_John_Coghill@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Vic-Kohring@legis.state.ak.us,
Representative_Sharon_Cissna@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us

CC: cabushnell@ak.net

Dear HESS Committee Members,

Please preserve adequate, timely parent notification of all student surveys, and please preserve the parent's opportunity to preview surveys. And please, please preserve the right of parents to opt their child(ren) out of participation in surveys in a convenient manner. Please keep School Districts accountable to parents when it comes to surveying students. Parents have a right to know when and where their child(ren) will be surveyed, and parents have a right to know what questions their children will be asked. Finally, parents have the right to not have their children participate in surveys.

Thank you for your work on this issue and other education issues.

Rebecca O'Hara

Anchorage Council of PTAs

V.P. Legislation

Subject: Support for HB 408

Date: Mon, 08 Apr 2002 18:29:40 -0800

From: "Anita Hazell-Parrish" <anita1bbbs@hotmail.com>

To: Representative_Fred_Dyson@legis.state.ak.us,
Representative_Sharon_Cissna@legis.state.ak.us,
Representative_Vic_Kohring@legis.state.ak.us,
Representative_John_Coghill@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us

Dear Chairman Dyson, Representative Wilson, Representative Stevens,
Representative Kohring, Representative Joule, Representative Coghill and
Representative Cissna,

As a parent, PTA member, concerned citizen and youth worker I urge you to support changing existing laws requiring active parental consent for anonymous surveys, to passive consent, provided there is adequate notice for parental response. I want my daughter and other Alaskan children to grow up in a state that is responsive to their needs. But how do we find out what is really happening with our kids without asking them with such questionnaires?

Experience in Alaska and other states that have experimented with active parental consent has shown that enough permission forms for a worthy study simply do not come in. In cases where school personnel have gone to extraordinary lengths to get them (for example, the CHOICE program here in Juneau) the results are overwhelmingly in favor of survey administration. This tells me that the law is making educators lives hard for no good reason.

And what is the cost in the end? Trends in grant funding are very clear. If you want money to fund programs that benefit children, you must be able to measure results. Across the nation states use results of Youth Risk Behavior Surveys developed with the Centers for Disease Control for this purpose. Alaskan organizations dedicated to the well-being of our children are at a disadvantage when they compete for these funds because they cannot show valid evaluation results. We are missing the boat and our kids are paying this price.

I urge each and every one of you to please move this vital legislation forward as quickly as possible. Thank you for considering my input.

Respectfully,
Anita Hazell Parrish
Juneau, 789-0280

Subject: HB408

Date: Tue, 09 Apr 2002 20:14:17 GMT

From: akcompub@sinbad.net

To: Representative_Fred_Dyson@legis.state.ak.us

Proposed Amendment:

bill page 2, line 7
Sec. 4 AS 14.03.110(d)

add after "section must"

" ...be mailed directly to the parent or guardian of each student by first class
U.S. mail and must..." "include..."

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

TOM KNOWLES, GOVERNOR

P.O. BOX 118700
DIAMOND COURT HOUSE, 5TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
FAX: (907)465-2539

April 17, 2002

Honorable Fred Dyson
House of Representatives
State Capitol – Room 104
Juneau, AK 99801-1182

COPY

Re: House HES committee hearing on HB 408

Dear Representative Dyson:

I. Introduction

Two issues arose during the hearing in the House HES committee on HB 408, held on April 11, 2002 which require some further clarification. Those issues are:

A. What are the consequences for teachers and other school district employees who disregard the anonymity and confidentiality protections contained in HB 408 if passed?

and

B. What is the effect of the case referred to as the "New Jersey case" on Alaska law governing student surveys?

II. Short Answer

A. The consequences for teachers and other school district employees who disregard the protections for students and families in HB 408 include employee discipline and, for certified teaching staff, the potential for a finding of an ethical or teaching practices violation by the Professional Teaching Practices Commission (PTPC) resulting in the potential for revocation or suspension of the certificate in certain circumstances. In addition a public servant may be charged with a misdemeanor crime under AS 11.56.860.

B. In the New Jersey case, *C.N. et al. v. Ridgewood Board of Education*, an appeals court remanded the case back to the trial court for further evidence of the voluntary nature of a student survey the trial court found to be voluntary without a trial. The New Jersey appeals court did not dispute or change the trial court's legal conclusion that the federal written parental consent provision would not apply to a voluntary and

anonymous survey. While this case serves as a guideline in reviewing student survey procedures it does not serve as legal precedent in Alaska and is not relevant to a voluntary survey as described in HB 408.

III. Analysis

A. Staff Consequences

The legislature has previously provided for both employee and certification consequences if a teacher or other staff member fails to follow the requirements contained in HB 408 if passed into law. In addition, a person who is or has been a public servant may be charged with a Class A misdemeanor for misuse of confidential information as defined in AS 11.56.860.

Under current Alaska law two governing bodies are responsible for ensuring compliance with applicable rules by the certificated staff of a school district. First, the school district is authorized to dismiss a teacher, even if tenured, for substantial noncompliance with the school laws of the state (including AS 14.03.110) the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent under AS 14.20.170(a)(3). A teacher is defined to include all certified school staff. A teacher who has not acquired tenure rights is subject to nonretention for the school year following the expiration of the teacher's contract for any cause that the district determines to be adequate under AS 14.20.175.

Second, disciplinary action may be imposed by the Professional Teaching Practices Commission (PTPC) if a school district did not act to address a violation of a school law such as HB 408. The PTPC may revoke or suspend a teaching certificate if a teacher fails to comply substantially with the school laws of the state or if the PTPC determines that there has been a violation of ethical or professional standards under AS 14.20.030 including a violation of an ethical standard. The ethical standards include a requirement that teachers "keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law" under 4 AAC 10.020(8).

In addition, a public servant may be charged with a Class A misdemeanor for the crime of misuse of confidential information if the person (1) learns confidential information through employment as a public servant and (2) while in office or after leaving office, uses the confidential information for personal gain or in a manner not connected with the performance of official duties other than by giving sworn testimony or evidence in a legal proceeding in conformance with a court order. This crime as well

as the employee and teaching practices standards appear to be adequate protections for students and families fearful of an unauthorized breach of confidentiality in connection with the administration of a voluntary and anonymous survey.¹

B. The Effect of the New Jersey Case in Alaska

Hearing testimony before the committee on HB 408 included references to a New Jersey case that challenged the administration of a student survey in that state under federal law. A federal trial court had determined prior to trial that the specific student survey had not violated statutory or constitutional requirements because it was anonymous and voluntary. An appeals court then reversed the decision because the district court had not permitted adequate discovery before reaching its summary conclusion.

The U.S. Court of Appeals for the 3rd Circuit decision has resulted in some confusion about its applicability to HB 408. The restrictions placed on student surveys by the Protection of Pupil Rights Amendment (P.P.R.A.), 20 U.S.C. 1252h provide that parental consent must be secured prior to requiring participation of a student in a survey if the survey addresses certain subjects. In *C.N. et al. v. Ridgewood Board of Education*, No. 01-1637 (Dec. 10, 2001) the appeals court reversed and remanded the case not because there was a particular problem with the survey but because the lower court's decision was reached by summary judgment without adequate discovery. The court remanded the case because discovery had not been permitted by the court to determine whether the students were adequately informed that the survey was "voluntary and anonymous" or whether the students were required to take the survey. (The other consideration upon remand will be that, if the survey was required, was the required participation in compliance with board policy to determine whether the board is immune from suit.)

The district court case, *C.N. et al. v. Ridgewood Board of Education*, 146 F.Supp.2d 528 (D.N.J. 2001) had dismissed the matter without trial on a determination that, under the PPRA, if the survey was "voluntary and anonymous" the PPRA was not applicable and written parental consent was not necessary. The ruling of the appeals court does not affect that legal analysis. Thus the case does not have a bearing on the current state law or the proposed changes in HB 408.

¹ In addition to the consequences described, a case pending before the United States Supreme Court, *Gonzaga University v. Doe* (Case No. 01-679), will decide whether parents or students have individual rights under the Family Education Records Privacy Act, that can be enforced through federal civil rights lawsuits. It is unclear, however, whether an anonymous survey falls within this federal act.

Honorable Fred Dyson
House of Representatives

April 17, 2002
Page 4

While these cases serve as a guideline in reviewing student survey procedures it does not serve as legal precedent in Alaska and is not relevant to a voluntary survey as described in HB 408.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:


Jean Mischel

Assistant Attorney General

JM:ebc

cc: Rep. Peggy Wilson
Rep. John Coghill
Rep. Vic Kohring
Rep. Gary Stevens
Rep. Sharon Cissna
Rep. Reggie Joule
Elmer Lindstrom, Deputy Commissioner, Dep't of Health & Social Services
Teri Campbell, Legislative Liaison, Dep't of Education & Early Development

SEC. 1017. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act (20 U.S.C. 1232g) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"Sec. 439.

(a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning--

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, anti-social, self-incriminating and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) ENFORCEMENT.--The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that--

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) OFFICE AND REVIEW BOARD.--The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section."

-###-

SEC. 1016. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.**SEC. 1018. CONTRACEPTIVE DEVICES.**

Subject: voluntary vs. required - for Fred

Date: Thu, 18 Apr 2002 10:39:43 -0800

From: Lisa Torkelson <lisa@advanced-design.com>

To: Wes Keller <Wes_Keller@legis.state.ak.us>

3rd paragraph is an excellent point!

From: Caroleanunn@aol.com

Date: Thu, 18 Apr 2002 07:05:30 EDT

Subject: Re: let me get this straight

To: lisa@advanced-design.com

Lisa ... the Search Institute (156-question) survey given to the students (which the lawsuit is all about) had nothing printed on it that said "voluntary." ALSO, the staff never told the students the survey was voluntary. In fact, the students were told to take the survey "seriously" and according to Judge Rendell at the 3rd Circuit Court Hearing, she mentioned that saying to take a survey "seriously" made it sound like it was required. We continue to say that the survey was required -- the district continues to deny it!

ALSO, we believe that even if staff tell a student that a survey is voluntary, if under the age of 18, that student is considered a minor and, therefore, the parents have the right to say whether or not their child can participate in the survey. **Minors cannot give up their rights** ... parents and guardians are there to make those kinds of decisions -- especially when students are being asked intimate questions about themselves, their friends and family. Parents/guardians have to sign permission slips for their minor children to go on field trips, to be given an aspirin in school, etc. These nosy surveys should be no different.

ALSO, the PPRA (Protection of Pupil Rights Amendment) has the word "required" in it. I do believe that the new Education Act regarding surveys has taken the word "required" out for the very reason that school districts don't seem to know the definition of the word "required."

There is no such thing as VOLUNTARY in a MANDATORY environment. The teachers know it, the students know it, and the parents know it. My kids have told me that if a teacher were to say "this is voluntary, you don't have to take it" that the first thing they would do is look around and see what the other students were going to do. Of course, all the brown-nosing, goodie goodie, teacher pet kids are going to take it. Regardless if the teacher says it is voluntary, she/he will also probably be saying "but I would like you to take it" or "but this is extremely important information that we need" or "I hope you will consider taking this for me", etc. Teachers will pressure the kids to take it with words, a look, body language, etc. I sure don't want our family's constitutional rights to hinge on whether or not school personnel are trustworthy -- we have several school personnel here in Ridgewood who are definitely not trustworthy -- Ridgewood can't be the only school district out there that have untrustworthy staff.

By all means ... pressure the legislators to get actual proof (a letter) from the federal agencies saying that funding will depend on survey data. You have to put the onus on the surveyors to prove that what they are saying is true ... and, of course, they will not be able to obtain such a letter because no federal agency will put it in writing.

Subject: HB 408 committee testimony - REVISED

Date: Tue, 26 Mar 2002 10:35:30 -0900

From: Lisa Torkelson <lisa@advanced-design.com>

To: Gayle Keller <Gayle_Keller@Legis.state.ak.us>

Gayle,

After some Wes points, I changed it again (sent Wes a copy too). If you or Wes could give Fred a copy of this one I'd appreciate it. I think it says more, but hopefully not too much. I just kept reiterating the parent thing.

I'll be glad when this is dead! It's hard work killing a bill!

Lisa

Anyway, here's another attempt at testimony:

My name is Lisa Torkelson. I'm a parent of two.

Three short years ago, HB 70 passed overwhelmingly with only 3 nay votes between the house and senate, and was signed into law by the Governor.

HB 408 before you now rips the heart out of HB 70 under the guise of minor cosmetic surgery. Whereas parents were specifically added to the process, HB 408 neatly carves them out.

With all its repealing and reenacting, HB 408 appears to have changed little from the original bill. However, the little that remains doesn't include parents.

You may hear that schools need HB 408 to do the Youth Risk Behavior Survey and get Federal grant monies. Well, HB 70 ~~never ended~~ survey collection. There is **nothing** in current law that prohibits school districts from getting information they want. They just need to **notify** parents of their intentions; permission is **only** required for inquiries into "personal or family affairs". To promote efficiency, "blanket permission" was allowed at the beginning of each school year (as in during registration when parents and students are already signing other paperwork).

ZERO FISCAL NOTE 1997

The goal was to include parents in the loop, but not make the process onerous and cumbersome for the schools.

On the other hand, under HB 408, anonymous surveys of **any** subject would no longer have a check and balance system. On page 1, Line 6-7, 11, as long as anonymity is maintained, a district inquiring about students, their families, or any other subject would be totally permissible. That's like telling parents, "leave us your kids, but don't let the door hit you on your way out".

Current law requires at **least** notification for every other type of non-personal survey. This still keeps parents in the loop, but provides more of a "heads up" than requires an active role.

In HB 408, it is **no longer clear** whether or not "notification" is even required for anonymous surveys.

And finally, HB 70 narrowly defined "questionnaire or survey". This definition no longer exists in the bill

before you now.

You may hear from schools that they are finding it difficult to get parents permission which is why they need the onus of getting it removed. However, has it occurred to them that perhaps parents don't want their kids surveyed?

Parents are the best judges of what their kids should be exposed to and when. Long ago it was decided that children below the age of majority were to be under their parents' jurisdiction. This is still true today **no matter how noble the cause**. When schools want to ask personal and probing questions, parents have a right to respond with their child's best interest in mind.

HB 70 was all about protecting parents; HB408 is all about protecting funding for bureaucracies.

I'll conclude by requesting you to support parents' rights and vote Do Not Pass on HB 408.

Thank you for your time and listening ears.

By the way, Mr. Chairman, how will you respond to HB 408 gutting the intent of your original bill?

Fred, Dick Block will be on T/C. He is calling from Southern California. He has done well in researching this for us.

He found out that the Anchorage School District (ASD) grant that was denied was for \$186,000. He was unable to find any others that were missed. He dug and found out that the grant rejection was from AK DEED not the Federal DOE. He talked with the person in EED that did the rejecting and was told that ASU did not get the grant because their paperwork was deficient compared to other applicants. The districts that DID get the grant/s had better data because they used survey information collected before your HB 70 went into effect in 1999. The school district could have gotten good data to compete, but it would have taken more work (police department, attendance records, etc)...

Letter to the Editor Jan 19, 1999

School business isn't surveys

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Parental rights are once again being usurped, and our children are being manipulated as though consumers. Last year, there was a concerted effort by different health care professionals to have the right to implement different youth surveys in our public schools.

First they wanted to do it without having written parental permission. When they discovered they couldn't do them without it, they forced the Anchorage School Board into passing an OK to do them without written parental permission. It was only because of the wise and honest decision of the superintendent of schools, Mr. Bob Christal, were parental rights protected.

This year, they will be administering different surveys to our children. Why? So that different agencies can then compete for federal and state and local grants and funding! Our children are being treated as mere consumers, another easy source of money.

These surveys are supposed to be anonymous. Still, if a child answers a survey question which would alarm the administrators of the test or others, it will be very easy for such people to narrow it down to what individual child it was. Even if answered in a joking manner, in today's current school climate, it will be taken as a "potential" threat. If the child answers negatively on any family issue or one regarding his parents, the next step will be for the authorities to begin an investigation into the parents!

The matters of home and family are private, and parents need to let the schools and those pushing these surveys find their funding another way and stay out of our private lives!

- Timothy Napier

Anchorage

Parents are in control, as Rep. Fred Dyson points out ("Be wary of surveys, parents," Letters, Jan. 11), so the ball is in our court. Let's allow our children to participate in the Search and Youth Tobacco Survey. We can bury our heads in the sand and deny that far too many of our youths have serious obstacles to becoming healthy, productive Alaskans, or we can face the facts by asking questions.

In these surveys, students will be asked about the positive and negative things in their lives that affect their decisions about school, extra-curricular activities, sports and other habits. Be encouraged that our School District wants to continue to gather this important information to better plan curricula, programs and activities as well as evaluate progress made. That means future decisions will be based on current information from the students rather than adult guesses and "national trends."

Active parent consent is a reality in other states too, in fact whenever federal funds are used to design Safe and Drug Free Schools Programs. The experience of parents in these communities is encouraging. Parents look forward to hearing about results and being part of the solution. That's how schools, parents, families and businesses can work together to address strengths and weaknesses in the community. The Anchorage School District will do that through this newspaper, meetings and reports to schools.

You are encouraged to stay involved with your kids by signing parent permission forms giving your approval for your child to complete the survey.

- Judith Bendersky

Anchorage

ANCHORAGE DAILY NEWS
Letters
APR 14 1999

HB 70 supports parents' rights

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I support passing House Bill 70 to protect my parental rights to give written permission when it deals with schools asking my children personal questions. I cannot depend on the Anchorage School District to guarantee that my children's right to privacy is protected. When schools ask students private questions, I want to know about it before they're asked.

It's my parental right to guide my children as they learn what and how much of themselves they should divulge and to whom. It's my parental duty, not the school's, to teach values to my children. It's my parental responsibility to keep track and monitor what my children do.

Please support HB 70 so it will become law. This school district has already shown me indifference when I've gone to them for help in resolving situations with my children. What about teaching students so they can get their diplomas, instead of snooping into private lives? Whose business is it anyway? Help me protect our children's right to privacy when we can't be there to protect them.

This bill was introduced by Rep. Fred Dyson and is being heard by the Health, Education and Social Services Committee. Call your local Legislative Information Office to find out when. Last I knew, they would take public testimony on the bill on Thursday. In Anchorage, call the LIO at 258-8111 and sign up to testify. Also send support by e-mail to Representative_Fred_Dyson@legis.state.ak.us.

P.S. I'm an ordinary citizen, I don't work in the health industry, and I don't live on the Hillside.

- Frank R. Phillips

Anchorage

Subject: HB 70 Support

Date: Wed, 14 Apr 1999 18:26:57 -0500

From: Andree McLeod <mcleodak@alaska.net>

To: Representative Dyson <Representative_Fred_Dyson@legis.state.ak.us>

Dear Representaive Fred Dyson,

Thank you for taking the time to protect parent's and family's right to privacy.

It's hard enough raising children without having to worry about government agencies going into schools behind our backs, intruding in on our children's privacy and diminishing their study time at school by asking questions.

The compromise you have reached in your bill, as I understand it, is to give annual blanket permission at the time of school registration. Also, parents will be notified in advance before specific surveys are administered where parents can opt to not have their children participate.

Again, thank you for all your efforts on this issue. It has not been easy dealing with most health professional in this state as they have used their power to usurp our privacy. But when the Attorney General's office backs the Administration's position, hopelessness and helplessness abounds for us common folk. You have truly been a saving grace.

Andree McLeod

Subject: PHHS Block Grant Follow-up

Date: Fri, 18 Sep 1998 10:39:14 -0800

From: "Ray, Glenn S." <GlerR@health.state.ak.us>

To: "McLeod, Andree" <mc.leodak@alaska.net>

CC: "Carr, Patricia A." <PCarr@health.state.ak.us>,
"Johnson, Mark S." <MarkJ@health.state.ak.us>,
"Lowe, Sharon K." <SLOWE@health.state.ak.us>

This note follows our morning telephone conversation of September 18, 1998 in which you asked me for responses to the following three questions.

1. What is the purpose of the Preventive Health and Health Services (PHHS) Block Grant? According to the Public Health Service Act, Title XIX - Block Grants, section 1904, it reads "...payments made to a State under section 1903 may be used for: (A) Activities consistent with making progress toward achieving the objectives established by the Secretary for the health status of the population of the United States for the year 2000. (B) Preventive health services programs for the control of rodents and for community and school-based fluoridation programs. (C) Feasibility studies and planning for emergency medical services systems and the establishment, expansion and improvement of such systems.... (D) Providing services to victims of sex offenses and for prevention of sex offenses. (E) With respect to activities described in any of subparagraphs (A) through (D), related planning, administration and educational services. (F) Monitoring and evaluation of activities carried out under any of subparagraphs (A) through (E).

2. What is the amount of PHHS block grant funds being used for YRBS in SFY 99? \$64.0 is allocated for support of 1 FTE to implement the YRBS in SFY 99. The position is placed within the Section of Epidemiology and located in Anchorage. This \$64.0 for YRBS personnel is not included in the budget that Sharon Lowe reported in response to Rep. Mulder's question regarding the PHHS block grant because these YRBS funds are used directly by the Section of Epidemiology and do not pass through the Section of Community Health and EMS. The clerical person retrieving block grant budgetary information for Sharon was not familiar with the block grant and I was in Anchorage and unavailable to provide Sharon with the correct information.

3. What is the total amount of PHHS block grant funds and what is the amount of PHHS block grant funds not allocated for any program use in FY 99? This question is not easy to answer because, 1) I do not have a final fiscal report from the DHHS/Division of Administrative Services as to expenditures charged to the PHHS block grant during state FY 98 and 2) the amount of the federal FY 99 (FFY 99) PHHS block grant is currently being determined by Congress. Congress may reduce the total PHHS block grant by 29 million dollars in FFY 99 which will cause a decrease in the Alaska award by approximately \$106.0. Until there is a final Congressional decision it is safest to assume that there are no unallocated funds.

If the block grant is awarded in FFY 99 at the same level as the FFY 98 amount this would mean that there would be approximately \$100.0 unallocated funds available by July 1, 1999. But, if Congress significantly reduces the PHHS block grant allocation, even by \$50.0 or \$60.0, this will cause a re-evaluation of current funding priorities and it is not possible to guess at a likely unallocated amount.

Subject: Request for information about YRBS

Date: Fri, 2 Oct 1998 07:03:50 -0800

From: "Ray, Glenn S." <GlenR@health.state.ak.us>

To: "McLeod, Andree" <mcleodak@alaska.net>

Ms. McLeod, you requested information regarding how the Behavioral Risk Factor Surveillance Survey (BRFSS) is funded.

1. An amount of \$73,500 is allocated from the Preventive Health and Health Services Block Grant for BRFSS. In order to fully fund this program the state was successful in securing a grant from the Centers of Disease Control and Prevention (CDC) for \$87,000 specifically for the implementation of the BRFSS. This specific CDC grant was awarded for a five-year period which ends October 30, 1999.

2. Regarding use of the CDC/BRFSS grant, use of funds is determined in the application process. Funds may only be used for implementation of BRFSS with final approval by CDC of the state's yearly budget proposal.

From: Andree McLeod [SMTP:mcleodak@alaska.net]
<mailto:SMTP:mcleodak@alaska.net>
Sent: Monday, September 28, 1998 11:32 AM
To: Ray, Glenn S.
Subject: Re: Response to telephone message

Thank you Ray. I appreciate your help on all this. My question was: other than the \$73,500 allocated for the adult risk behavioral survey, what other money goes towards the survey and from where does it come from. I thought I remember you saying that CDC sends money to the survey through another grant. What is the total amount of that grant and who decides how that is spent? Thank you again. I'll try to make it to the telephone to make that meeting but prior commitments might supercede.

Ray, Glenn S. wrote:

> You may join the Community Health Promotion Advisory Committee meeting by
> dialing in on the Anchorage number that I previously sent you - 751-8000.
> The operator is likely to ask for your name and location (community name)
> and then connect you with the other people on line. If there is any
> difficulty reaching the teleconference operator you can call Eric Peter at
> my office for assistance - 465-3140.
>
> In your phone message there were several questions as to grants from the
> Centers for Disease Control and Prevention (CDC) and the Behavioral Risk
> Factor Surveillance Survey (BRFSS). I will be happy to supply you with any
> information that I have in response to your questions but, to help me be as
> accurate as possible I need you to submit your questions in writing. To
> save time this can be done via e-mail to glenr@health.state.ak.us
<<mailto:glenr@health.state.ak.us>> .

Subject: HB70

Date: Fri, 16 Apr 1999 07:12:28 -0800

From: "Larry Erickson" <erickson@ptialaska.net>

To: "Carl Green" <Representative Carl Green@legis.state.ak.us>,
"Fred Dyson" <Representative Fred Dyson@legis.state.ak.us>,
"Jim Whitaker" <Representative Jim Whitaker@legis.state.ak.us>,
"Joe Green" <Representative Joe Green@legis.state.ak.us>,
"John Coghill" <Representative John Coghill@legis.state.ak.us>,
"Tom Brice" <Representative Tom Brice@legis.state.ak.us>

CC: "Mike Tauriainen" <mtpentl@alaska.net>,
"Lisa Torkelson" <Lisa.Torkelson@legis.state.ak.us>

Honorable Representatives,

Thank you for passing HB70 out of committee on to the House. I pray that your colleagues will understand the importance of passing this bill as all of you have. I believe this bill will open many parents eyes to what the government funding school system is doing to our children. When parents have to give permission for their children to be exposed to the humiliating and degrading experience of having to read and answer the graphic and intrusive question that are on these government forced school surveys they many decide to get more involved in what the school system is spending their time and our children's time on.

Thank you again for caring for our children!

Larry Erickson

Subject: HB 70 "Public School Surveys"

Date: Sun, 18 Apr 1999 10:34:18 -0800

From: "jferrell" <jferrell@alaska.net>

To: <Representative_Fred_Dyson@Legis.state.ak.us>

Dear Representative Dyson:

I support the passage of HB 70. The kind of Personal information asked of our students on the Youth Risk Behavior Survey is alarming. I believe that underage, minor children are the chief responsibility of their parents. I empathize with the health care providers who feel this intimate information is essential to preventing some of these high risk behaviors. I believe the statistics are well known, knowing the exact numbers is not essential to helping youth avoid risky behavior. I would prefer to err on the side of parental authority. Thank you for your efforts on behalf of Parental Rights.

Sincerely,

Lorraine M. Ferrell
Fairbanks, Alaska

Subject: HB70**Date:** Fri, 16 Apr 1999 07:12:28 -0800**From:** "Larry Erickson" <erickson@ptialaska.net>**To:** "Carl Green" <Representative_Carl_Green@legis.state.ak.us>,
"Fred Dyson" <Representative_Fred_Dyson@legis.state.ak.us>,
"Jim Whitaker" <Representative_Jim_Whitaker@legis.state.ak.us>,
"Joe Green" <Representative_Joe_Green@legis.state.ak.us>,
"John Coghill" <Representative_John_Coghill@legis.state.ak.us>,
"Tom Brice" <Representative_Tom_Brice@legis.state.ak.us>**CC:** "Mike Tauriainen" <mtpentl@alaska.net>,
"Lisa Torkelson" <Lisa_Torkelson@legis.state.ak.us>

Honorable Representatives,

Thank you for passing HB70 out of committee on to the House. I pray that your colleagues will understand the importance of passing this bill as all of you have. I believe this bill will open many parents eyes to what the government funding school system is doing to our children. When parents have to give permission for their children to be exposed to the humiliating and degrading experience of having to read and answer the graphic and intrusive question that are on these government forced school surveys they many decide to get more involved in what the school system is spending their time and our children's time on.

Thank you again for caring for our children!

Larry Erickson

Parental Consent

Adopted by Alaska PTA Convention, April 27, 1990

- Whereas,** Parents are recognized as the primary educators of their children; and
- Whereas,** There has been an increase in the number of testing and survey instruments being used to evaluate our children's attitudes toward school, their coping skills, and their feelings about themselves and their experiences; and
- Whereas,** Alaska School Law (Chapter 4, Sec. 14.03.110) mandates that questionnaires and surveys which inquire into the private family affairs of the student which are not a matter of public record require written permission from the student's parent or guardian before they may be administered; and
- Whereas,** The Protection of Pupil Rights Act (20 U.S. Code 1232h) states that no student shall be required to take part in psychiatric or psychological examinations, testing, or treatment in which the primary purpose is to reveal private information, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minors, without the prior written consent of the parent; therefore be it
- Resolved,** That the Alaska PTA supports strict adherence by all Alaska school districts to Federal and State laws requiring written, informed parental consent for both elementary and secondary students prior to the administration of the above described attitude surveys and tests.

Rationale

In an attempt to assess the needs of children, some school districts have developed a number of testing and survey instruments which measure the affective area of a child's being. These instruments attempt to measure things such as locus of control, attitude toward school, general self-esteem, academic self-esteem, social interaction, coping with stress and anxiety skills, health habits, and identification with school. In many cases, teachers, school psychologists, and administrators discuss and analyze results among themselves and with students, but not with parents. Students have been encouraged to dialogue with teachers about their feelings in regard to affective testing instruments, but parents have not generally been included.

Specific written parental consent forms are often utilized at the elementary level, but hardly ever at the secondary level.

High school students who are taking health classes or AIDS curricula are often required to take attitudes surveys dealing with feelings toward AIDS, homosexuals, sexual feelings, and sexual behavior. These surveys fall under the "Protection of Pupil Rights" federal statute and require written parental consent.

Clarification of and adherence to Federal and State statutes is required of all school districts in the State of Alaska. Psychological probing and surveying should not be done without parental consent and knowledge.



Paula Pawlowski
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Terry McDermott
 Past President
Sue Hull
 National PTA Region VII Director

Alaska PTA

PO Box 201496

Anchorage, Alaska

99520

The Alaska PTA, the state's largest child advocacy organization representing almost 16,000 members, follows the lead of the National PTA in support of the Youth Risk Behavior Surveys (YRBS).

The Alaska PTA delegates stated their concern about the health, safety and welfare of Alaska's children at our 1998 Issues Conference. The results of the survey will assist state and local agencies to plan and implement school health programs.

We encourage the parents to be informed and involved in these efforts and applaud the methodology of collection of the data that allows anonymity for the participants.

The Alaska PTA is pleased to support and cooperate with the Alaska's Departments of Health and Education.

Sincerely,

A handwritten signature in cursive script that reads "Paula Pawlowski".

Paula Pawlowski,
Alaska PTA President

cc Tammy Green, Dept of Health & Human Services
 Bob Christal, Superintendent Anchorage School District
 Harriet Drummond, Chair, Anchorage School Board Association
 Diane Etter, President, Anchorage Council PTAs
 Ginger Jenkinson, Region IV, Alaska PTA Board of Managers
 Peggy Brown, Health & Safety Chair, Alaska PTA Board of Managers

Phone/Fax 907-279-9345

Email: ak_office@pta.org

Subject: CSHB 70 (RLS)AM

Date: Thu, 13 May 1999 13:41:29 +0000

From: Charles Hubbard <chubbard@alaska.net>

To: Sendor_Tim_Kelly@legis.state.ak.us

CC: Senator_Loren_Leman@legis.state.ak.us, Senator_Mike_Miller@legis.state.ak.us,
Senator_Drue_Pearce@legis.state.ak.us, Senator_Johnny_Ellis@legis.state.ak.us,
Representative_Fred_Dyson@legis.state.ak.us,
Representative_Norm_Rokeberg@legis.state.ak.us,
Representative_Mary_Kapsner@legis.state.ak.us, Representative_Eric_Croft@legis.state.ak.us

Dear Senator Kelly and Members of the Rules Committee:

I am writing today to request that HB 70 (An act relating to questionnaires or surveys administered in public schools) be passed out of the Senate Rules Committee for Senate floor action prior to adjournment next week.

There has been a flurry of activity against this bill by DOE and DH&SS. Both Departments are quite willing to allow "passive" parent permission in response to administering the Youth Risk Behavior Survey. Passive permission means that if the school doesn't hear a "yes" or "no" from the parents, then it's OK.

Parents have become the bad guys, because parents are requesting that "active" parent permission be obtained prior to administering the surveys to their children. Active permission means that if there is no written response from parents (either a yes or no), then the child does not participate. What is so wrong with asking parents to state in writing a "yes" or "no" response to the question of letting their children participate in this survey? Parents are asked to actively give permission for or to participate in almost everything else that involves their children in school or in the classroom.

Actually the YRBS is just a catalyst to another larger problem. There are other surveys and questionnaires being given to children that the parents sometimes find out about and, I think, sometimes they don't. There have been some cases where the administration of a school doesn't even know about questionnaires being given to students in their own school.

Personally, I would rather have knowledge about what is being given to my children or any children, before they are asked to participate. I would also like to see what I'm paying for. I would like to know why any questionnaire is necessary, of what good are the results, how are the results going to be used and is this so necessary that it takes away instruction time from every student in the class.

These are questions that every parent should be asking, including many of you. If you don't currently have children in school, maybe you have nieces or nephews in school. You might have close friends that have children in school. School is a time for instruction and learning. Taking surveys and questionnaires might not be a part of the instruction and learning process. If they aren't, then parents should be given the "active" right to say "yes" or "no". A parent's right to participate in the classroom education process should not be abridged.

Thank you in advance for your consideration of my comments.

Sincerely,

Dee Hubbard
4251 Pinnacle Circle
Anchorage, AK 99504

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WorldNetDaily™

Saturday, January 26, 2002

ELLEN MAKKAI
HEART OF THE MATTER



Schools snoop for scandal

By Ellen Makkai

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What happened to readin' and writin' and 'rithmetic? Today students are being grilled like delinquents about non-academics such as sex, drugs and hooch.

Invasive school surveys ask students if they drink, smoke, snort or steal. Are their parents political, abusive, divorced or dead? Do they believe in God, hell and heaven? Have they ever been bullied, pregnant, arrested or raped? Do they floss, bike or jog? Are they fat, skinny or suicidal? Do they have sex, hobbies or a gun?

Never are they asked if they are embarrassed by the questions. Nor are they read their Miranda rights.

School, government and psychology confederates seem pathologically compelled to guinea pig our kids. Questionnaires arrive from groups like the Centers for Disease Control, Weekly Reader, the U.S. Department of Education, the Kaiser Family Foundation and National Parents Commission.

Government and private grants seduce districts into using these student interrogations, which are then used to convince benefactors that districts need help – the bigger the problems, the bigger the prize.

"If a district proves itself to be in rough enough shape," financial faucets open, says Edward Freeland, associate director of the Survey Research Center at Princeton University. "Consequently, surveys contain some bizarre questions."

Not only are questions bizarre, many are offensive. And parents seldom know Junior is spilling the beans, says family advocate Brad Dacus, president of the non-profit Pacific Justice Institute.

Organizations hope data will translate into programs that preemptively squelch a myriad of social evils.

But do they? Principal Frank DeAngelis said the Columbine killers projected no criminal indicators at school before their rampage.

Also, data is compromised. A 12-year-old New Jersey jokester confided he morphed into an 18-year-old Chinese girl on his survey. Another supposedly had 12 sex partners in a week.

Anonymity isn't guaranteed because some schools pre-labeled polls or have kids sign names. Teacher integrity is questioned – they snoop, say enraged Oregonians, whose kids responded to the Values Appraisal Scale.

If school boards and legislators don't halt the practice, students will continue to slog through surveys, exposing family ills and ills to the scrutiny of strangers.

"Notification and permission slips are so vague, no one suspects what's happening," says parent Carole Nunn, whose complaint prompted recent New Jersey state legislation. With any hint of a survey, "parents need to read them and opt kids out."

New Jersey's law states that students cannot be quizzed on personal issues unless parents give informed written consent. It is the only state to do so.

The new federal education reform bill tried for similar protection. Groups like the American Psychological Association – worried parents would deny them access to their kids – lobbied successfully to have it diluted.

"If you could eliminate an entire race, would you? Which one?" a Bettendorf, Iowa, survey asked in 1992. Youngsters get details on oral sex in one question on the CDC's 1999 Youth Risk Behavior Surveys given to grades seven to 12. Another lists street names where illegal drugs are sold and asks which substances respondents have sampled.

Dr. Freeland wonders if such questions nudge kids to explore behavior noted in the questions themselves. "There is no data about the potential harm rendered," he says. This begs the question: Does negative scrutiny send negative signals? Is a child's self-perception damaged when respected adults deem it necessary to quiz her on immoral and illegal conduct? "We need to look at these factors," says Dr. Freeland.

Ask me; I know. I am a refugee of childhood physical and psychological inquisitions. My psychiatrist father saw me as a handy specimen for perpetual analysis.

I was a "polio pioneer," testing the Salk vaccine in the early '50s. Rorschach inkblots probed my psyche. As a humiliated 11-year-old, I was photographed in my underpants at school for posture screening. Intermingled throughout was a psychiatric couch.

I wondered what acute personal flaws prompted the unceasing assessments.

When I taught 30 years ago, family sovereignty was honored, except in unique crises. Students concentrated on academics, athletics and the arts. Today, educators must refocus on that original scholastic mandate.

And ditch the ignoble school survey, which is little more than a sociological strip search.

Ellen Makkai began writing columns 16 years ago in response to what she perceived as the moral and

Members of the House HESS Committee

Re: HB 408

We would appreciate your giving this measure very critical consideration.

While the objective of the school districts seems laudible enough, that is, having sufficient information to justify federal grant requests, the potential for abuse by school districts and the patent ability within the language of the proposed bill to circumvent parental desire for their children not to participate in personal surveys or questionnaires makes it very inappropriate to change the procedures placed in statute only three years ago.

Three years ago, the Legislature adopted a comprehensive method for school districts to conduct surveys and questionnaires that balanced the interest of the schools to have information with the parents' rights to review and refuse participation in surveys or questionnaires that they felt delved into personal family matters which they did not want documented.

This office is concerned that these surveys can, and in other places do, probe into family health issues, religious practices, student participation in out of school activities and other matters well beyond the purvue of student education.

We do not categorically oppose surveys or questionnaires of any kind, but we do believe that it is essential for parents to have adequate notice of these surveys and the ability to review them and consider whether their child should participate in them before the survey or questionnaire is taken.

We favored the 1999 legislation because it placed the burden on the school district to notify parents and obtain affirmative permission to include students in the study. The proposed legislation reverses the burden and makes it incumbent upon parents to know when surveys might be administered, to make inquiry as to the content, purpose, etc. of the surveys and then to notify of their denial of permission.

It is inappropriate and impractical to expect parents to be constantly inquiring of the school as whether they are contemplating a survey. This legislation gives school districts too much latitude to presume permission and conduct invasive studies without any parental awareness.

We would be most grateful if you would include these concerns in your review of this legislation.

Yours cordially,

Richard L. Block

Richard L. Block

(t) 907 562 5183

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IS PASSIVE CONSENT "CONSENT"

A key issue in the passive consent debate revolves around the number of parents who would have refused if active consent had been used. Ellickson and Hawes (1989) through extensive follow-up with parents from both active and passive consent procedures, found that failure to return a form is considerably more likely to reflect latent consent than latent refusal. Specifically, Ellickson and Hawes found that when parents who were informed via passive consent were asked about their decision for their child to participate or not, the great majority of parents (87%) said that yes, they had received the materials, understood them, and decided to allow their child to participate. Research indicates that carefully designed passive consent methods can avoid the negative consequences of active consent while ensuring that parents receive the consent materials, pay attention to them, and have sufficient time to refuse participation. Additionally, Catalona (1994) also found failure to return a signed active consent form is more likely to reflect apathy or inertia than objection to the research. Strasburger (1998) believes active parental consent requires overly stringent informed consent procedures, especially when applied to **anonymous confidential surveys**.

COST OF ACTIVE CONSENT VERSUS PASSIVE CONSENT

In a study of two schools, Ellickson and Hawes (1989) examined refusal rate associated with active and passive consent procedures. They found that in the school requiring passive consent 93% of the students participated, compared to 86% in the schools requiring active consent. One might assume that 86% participation is quite good for active consent, but it came at a high cost in terms of time and money. Three mailings, at least two follow-up phone calls to all non-respondents, two special parent meetings and daily reminders by classroom teacher to students to return their forms were the efforts needed to obtain an 86% participation rate. Ellickson and Hawes estimated that for a sample of 7,500 students, active consent would cost

ice of The Times

Solution to school survey issue at hand

By ANDRÉE MCCLOUD

Here are the top 10 reasons why people should contact legislators in support of House Bill 70, "An act relating to questionnaires or surveys administered in public schools."

1. Defend and protect privacy.

The Alaska Constitution states, "The right of the people to privacy is recognized and shall not be infringed upon." Parents are legally responsible for their children, who they send to school with an understanding that they'll be taught to read, write and do math. Anything done outside those parameters cannot be done without parents' prior knowledge. School administrators, teachers and parents work extremely hard at maintaining this fragile and sensitive mutual trust. Violating this trust has a chilling effect on this all-too-important partnership.

2. Ensure parents' right to know.

Existing state law says that parents must provide written permission before a school may hand out surveys dealing with "private family affairs." Bureaucrats in the Alaska Health and Social Services department find this phrase ambiguous. With legal opinions in hand challenging the meaning of the phrase, they have proceeded this past school year to insidiously, and in a stealth-like manner, administer surveys to students in 26 out of 28 school districts without getting prior written consent from parents. The surveys consisted of extremely private questions dealing with a student's personal behavior outside of school. (Anchorage Superintendent Bob Christel did not permit the surveys in the Anchorage School District, so students here were not harassed with these invasive surveys.) HB70 adds the word "personal" to the existing state law, which hopefully will dispel future confusion on the part of health department officials.

3. Clarify the term "written permission."

The bill stresses the type of permission schools must obtain before handing out surveys. Parents will decide to give or deny permission, in writing, at the time they register their child about whether they want their child to answer personal questions in anonymous surveys. For non-anonymous surveys, the school must contact parents and obtain additional written permission at least two weeks prior to administering them.



4. Stop erosion of academic time.

Surveys dealing with personal behaviors detract from the important task of learning. Parents who don't want their children wasting time on surveys finally have a say in the matter. One potential result of HB70 will be to indulge students with learning matters of academic substance instead of diminishing their educational opportunities.

5. Allow parents opportunity to accept rights and responsibilities.

Parents can exercise their right, duty and responsibility to teach children about privacy issues and when, how and to whom children should divulge private information.

6. Make parents accountable.

The governor's children's agenda is admirable in its intent to curb the abuse of children. However, most parents do follow the rules and don't break these laws. In the state's quest to find the people who violate child abuse laws, great care should be taken to not dilute personal and civil liberties of innocent people. Those fighting the war against abuse must look with a broader view and recognize that many Alaskan families lead functional lives. Most parents do know what is best for their children and strive to do better by them without government intervention.

7. Efficient government.

State health officials must find innovative methods for information gathering. Why survey each child? How about a stratified sample of the population? Or obtaining real, hard numbers by surveying health clinics and physicians who compile patient and service records? Health educators have told me that the "key-determinant" method of collecting data is not only more accurate but cheaper. It's our money paying for all this prying, after all.

8. Stimulate community involvement.

HB70 encourages communities and groups to start talking with young citizens. Sitka's Teen Center is in the forefront of this by initiating a program bringing adults and children together, outside of school, to speak about issues important in maintaining a healthy and risk-free community.

9. Track public health spending.

The controversy surrounding the bill should send a red flag to the Legislature to initiate a full and complete audit of public health and education funds used in this state. The reason for the intense lobbying efforts by health officials appears to have more to do with perpetuating their own welfare than that of the children. Bringing about accountability of public funds will guide the Legislature and inform taxpayers, who want to know where all the money is going.

10. The government's right to know does not supercede the right to privacy of Alaskan families.

Legislators are told that mainstream Alaskan parents don't really object to the way schools administer the survey. As a parent, I have strong feelings about being put in a taxing position, lobbying legislators to demand state health officials abide to the intent of the law (1979 House Journal), as students are used as guinea pigs to generate money from the feds. behind the back of parents.

Please support the survey bill by contacting the sponsor, Rep. Fred Dyson, as soon as you can. Phone: (907) 465-2199; Fax: (907) 465-4587; e-mail: Representative_Fred_Dyson@legis.state.ak.us

Andrée McCloud of Anchorage is, among other things, a concerned parent and an unabashed citizens' advocate.

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WorldNetDaily™

Saturday, January 26, 2002

ELLEN MAKKAI
HEART OF THE MATTER



Schools snoop for scandal

By Ellen Makkai

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What happened to readin' and writin' and 'rithmetic? Today students are being grilled like delinquents about non-academics such as sex, drugs and hooch.

Invasive school surveys ask students if they drink, smoke, snort or steal. Are their parents political, abusive, divorced or dead? Do they believe in God, hell and heaven? Have they ever been bullied, pregnant, arrested or raped? Do they floss, bike or jog? Are they fat, skinny or suicidal? Do they have sex, hobbies or a gun?

Never are they asked if they are embarrassed by the questions. Nor are they read their Miranda rights.

School, government and psychology confederates seem pathologically compelled to guinea pig our kids. Questionnaires arrive from groups like the Centers for Disease Control, Weekly Reader, the U.S. Department of Education, the Kaiser Family Foundation and National Parents Commission.

Government and private grants seduce districts into using these student interrogations, which are then used to convince benefactors that districts need help – the bigger the problems, the bigger the prize.

"If a district proves itself to be in rough enough shape," financial faucets open, says Edward Freeland, associate director of the Survey Research Center at Princeton University. "Consequently, surveys contain some bizarre questions."

Not only are questions bizarre, many are offensive. And parents seldom know Junior is spilling the beans, says family advocate Brad Dacus, president of the non-profit Pacific Justice Institute.

Organizations hope data will translate into programs that preemptively squelch a myriad of social evils.

But do they? Principal Frank DeAngelis said the Columbine killers projected no criminal indicators at school before their rampage.

Also, data is compromised. A 12-year-old New Jersey jokester confided he morphed into an 18-year-old Chinese girl on his survey. Another supposedly had 12 sex partners in a week.

Anonymity isn't guaranteed because some schools pre-labeled polls or have kids sign names. Teacher integrity is questioned – they snoop, say enraged Oregonians, whose kids responded to the Values Appraisal Scale.

If school boards and legislators don't halt the practice, students will continue to slog through surveys, exposing family ills and ives to the scrutiny of strangers.

"Notification and permission slips are so vague, no one suspects what's happening," says parent Carole Nunn, whose complaint prompted recent New Jersey state legislation. With any hint of a survey, "parents need to read them and opt kids out."

New Jersey's law states that students cannot be quizzed on personal issues unless parents give informed written consent. It is the only state to do so.

The new federal education reform bill tried for similar protection. Groups like the American Psychological Association – worried parents would deny them access to their kids – lobbied successfully to have it diluted.

"If you could eliminate an entire race, would you? Which one?" a Bettendorf, Iowa, survey asked in 1992. Youngsters get details on oral sex in one question on the CDC's 1999 Youth Risk Behavior Surveys given to grades seven to 12. Another lists street names where illegal drugs are sold and asks which substances respondents have sampled.

Dr. Freeland wonders if such questions nudge kids to explore behavior noted in the questions themselves. "There is no data about the potential harm rendered," he says. This begs the question: Does negative scrutiny send negative signals? Is a child's self-perception damaged when respected adults deem it necessary to quiz her on immoral and illegal conduct? "We need to look at these factors," says Dr. Freeland.

Ask me; I know. I am a refugee of childhood physical and psychological inquisitions. My psychiatrist father saw me as a handy specimen for perpetual analysis.

I was a "polio pioneer," testing the Salk vaccine in the early '50s. Rorschach inkblots probed my psyche. As a humiliated 11-year-old, I was photographed in my underpants at school for posture screening. Intermingled throughout was a psychiatric couch.

I wondered what acute personal flaws prompted the unceasing assessments.

When I taught 30 years ago, family sovereignty was honored, except in unique crises. Students concentrated on academics, athletics and the arts. Today, educators must refocus on that original scholastic mandate.

And ditch the ignoble school survey, which is little more than a sociological strip search.

Ellen Makkai began writing columns 16 years ago in response to what she perceived as the moral and

Respect
won't interrupt
Democracy

1999 - 30 of you passed HB 70 to continue your proud
& courageous pattern of protecting children's privacy and
strengthening families - 57 years - Gov. signed

(5) BAB
Bill

Talk Points HB 408

- No Requirement to inform the student so they know they may refuse to participate
- No requirement of "how?" the parent/guardian will be informed in writing
 - Something given to student?
 - By mail?
 - This bill puts in place the system that failed to notify parents that they could give annual permission. **Didn't work thenwon't work now!**

- BIG BOLD LETTERS
- COAGULATED SPEECH

(3)

- All about money--not kids -- pressure from health department desperate for dough.
- Fed. Law says you cannot be disqualified for not getting parental permission
- There are numerous sources for much of the information sought. Police records, attendance records, teacher surveys, parents...
- School districts did not do all to get permission under existing law.
 - PTA not even informed (letter)
 - Nothing on District or EED web sites

- Document Loss

(5)

- Now they can ask any kid any question any time at any age!!!

(1)

- Educators and administrator -- say "publicly I've got to support this, but personally I am against it. I do not want my child to even know these questions exist until we the parents decide it is appropriate".

- Questions are educational tools. Most of us ask questions to make points... Surveys are no different. Questions are used by teachers every day to teach--- questions educate even if they are not for that purpose.

(2)

- School and Government as substitute parent!--we have been in a 40 year trend to pressure schools to make up for failed homes --- so called "mission creep"--this distorts and blurs education --and it doesn't work. We want children to have all of the Assets we can give them---- but we must not set heavy-handed policy that invades family privacy.

- This bill asks you to remove the mandate that parents ^{will} ~~can~~ control what "non academic" issues their children are exposed to.
- Schools to Do HEALTH DEPARTMENT RESEARCH
- If you want to encourage Nanny Government Schools to expand its roll into the lives of kids and families then vote for this --Invasion of Privacy and families.

(1)

- I have never talked to an educator who did not know that there is clearly a definite, positive correlation between academic success and a solid family. There are many assets, this is no doubt the most prominent asset a kid can have--- This bill invades the privacy of these solid families and can harm the very thing that is producing success--- families.

Helping Kids

(4)

- kids get help one at a time not in clumps
- Aggregate data might help design remedial behaviors modification programs but does little for a particular child

(5)

- Any good teacher knows there is no real anonymity in a classroom --no requirement in this bill for anonymity. If there were real protection--- HB 408 would at least require testing in large groups.

(3)

UNRELIABLE DATA

SELF REPORTING OF RISKY BEHAVIOR BY TEEN AGES IS PROBLEMATIC

(6)

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-CITE-

20 USC Sec. 1232h

01/02/01

-EXPCITE-

TITLE 20 - EDUCATION

CHAPTER 31 - GENERAL PROVISIONS CONCERNING EDUCATION

SUBCHAPTER III - GENERAL REQUIREMENTS AND CONDITIONS CONCERNING

OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL

AUTHORITY OF SECRETARY

Part 4 - Records; Privacy; Limitation on Withholding Federal Funds

-HEAD-

Sec. 1232h. Protection of pupil rights

-STATUTE-

(a) Inspection of instructional materials by parents or guardians

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

(b) Limits on survey, analysis, or evaluations

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning -

(1) political affiliations;

(2) mental and psychological problems potentially embarrassing to the student or his family;

(3) sex behavior and attitudes;

(4) illegal, anti-social, self-incriminating and demeaning behavior;

(5) critical appraisals of other individuals with whom respondents have close family relationships;

(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(c) Notice

Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) Enforcement

The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that -

(1) there has been a failure to comply with such section; and

(2) compliance with such section cannot be secured by voluntary means.

(e) Office and review board

The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

-SOURCE-

(Pub. L. 90-247, title IV, Sec. 445, formerly Sec. 439, as added Pub. L. 93-380, title V, Sec. 514(a), Aug. 21, 1974, 88 Stat. 574; amended Pub. L. 95-561, title XII, Sec. 1250, Nov. 1, 1978, 92 Stat. 2355; Pub. L. 103-227, title X, Sec. 1017, Mar. 31, 1994, 108 Stat. 268; renumbered Sec. 445, Pub. L. 103-382, title II, Sec. 212(b)(1), Oct. 20, 1994, 108 Stat. 3913.)

-MISC1-

PRIOR PROVISIONS

A prior section 445 of Pub. L. 90-247 was classified to section 1233d of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994 - Pub. L. 103-227 amended section generally, substituting in subsec. (a), provisions relating to inspection of instructional materials by parents or guardians for similar provisions, in subsec. (b), provisions relating to limits on survey, analysis, or evaluations for provisions relating to psychiatric or psychological examinations, testing, or treatment, and adding subsecs. (c) to (e).

1978 - Pub. L. 95-561 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-561 effective Oct. 1, 1978, see section 1530(a) of Pub. L. 95-561, set out as a note under section 1221e-3 of this title.

EFFECTIVE DATE

Section 514(b) of Pub. L. 93-380 provided that: ''The amendment made by subsection (a) (enacting this section) shall be effective upon enactment of this Act (Aug. 21, 1974).''



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-CITE-

20 USC Sec. 1232i

01/02/01

-EXPCITE-

TITLE 20 - EDUCATION

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OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL

AUTHORITY OF SECRETARY

Part 4 - Records; Privacy; Limitation on Withholding Federal Funds

-HEAD-

Sec. 1232i. Limitations on withholding of Federal assistance

-STATUTE-

(a) Refusal to supply personal data on students or families

Except as provided in section 1232g(b)(1)(D) of this title, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for a denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years. In the case of any dispute arising under this section, reasonable notice and opportunity for a hearing shall be afforded the applicant.

(b) Noncompliance with nondiscrimination provisions of Federal law

The extension of Federal financial assistance to a local educational agency may not be limited, deferred, or terminated by the Secretary on the ground of noncompliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or any other nondiscrimination provision of Federal law unless such agency is accorded the right of due process of law, which shall include -

(1) at least 30 days prior written notice of deferral to the agency, setting forth the particular program or programs which the Secretary finds to be operated in noncompliance with a specific provision of Federal law;

(2) the opportunity for a hearing on the record before a duly appointed administrative law judge within a 60-day period (unless such period is extended by mutual consent of the Secretary and such agency) from the commencement of any deferral;

(3) the conclusion of such hearing and the rendering of a decision on the merits by the administrative law judge within a period not to exceed 90 days from the commencement of such hearing, unless the judge finds by a decision that such hearing cannot be concluded or such decision cannot be rendered within such period, in which case such judge may extend such period for not to exceed 60 additional days;

(4) the limitation of any deferral of Federal financial assistance which may be imposed by the Secretary to a period not to exceed 15 days after the rendering of such decision unless there has been an express finding on such record that such agency has failed to comply with any such nondiscrimination provision of Federal law; and

(5) procedures, which shall be established by the Secretary, to ensure the availability of sufficient funds, without regard to any fiscal year limitations, to comply with the decision of such judge.

(c) Failure to comply with imposition of quotas

Amendment by Pub. L. 94-482 effective 30 days after Oct. 12, 1976, except either as specifically otherwise provided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations, see section 532 of Pub. L. 94-482, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section 515(b) of Pub. L. 93-380 provided that: ''The amendment made by subsection (a) (enacting this section) shall be effective upon enactment of this Act (Aug. 21, 1974).''



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Sectional Analysis HB 408

Section 1: Repeals and rewrites a AS 14.03.110(a) thereby changing existing statute to allow 1) anonymous surveys without written permission. 2) It also removes a prohibition about questions that inquire into personal or private affairs.

Section 2: Repeals and rewrites 14.03.110(b) thereby it: 1) removes the section that allows the school district to get annual permission (for anonymous surveys) from the parents, and, 2) removes the requirement to notify parents 2 weeks before a survey. These two concepts are replaced with a requirement that each student's parent shall be provided the "opportunity to submit... denial of permission."
No Denial

Section 3: Repeals and rewrites 14.03.110(c) thereby 1) removing the requirement for written permission and, 2) the requirement for a two week notice for non-anonymous surveys. These two concepts are replaced with a requirement for at least two weeks written notice of the right to ***grant or deny permission***. No direction is given on what should be done with the written notice other than the school "shall provide" it. (The intent of this section could be technically satisfied with a posting on a "parent's bulletin board" in some remote corner of the school)

Section 4: Repeals and rewrites 14.03.110(d) The only significant change is that the written notice that must be "provided" to parents is defined to include directions for permission for taking the survey (which would not be needed if this bill was to pass) or for denial of permission.

Section 5: Amends 14.03.110(d) to require the parent to take the initiative to provide written denial of permission

from Wes

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 18, 2002

SUBJECT: Public school questionnaires - HB 408

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford
Legislative Counsel

From Leg. Counsel

M. F. Ford

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Prohibits a public school student being given a school questionnaire or survey unless written permission is obtained from the student's parent or legal guardian, or the questionnaire or survey is anonymous or concerns a matter of public record or public observation.

Section 2. Provides that for an anonymous school questionnaire or survey written permission is not required, but the student's parent or legal guardian must get the opportunity to deny permission to take the questionnaire or survey.

Section 3. Requires that for purposes of a school questionnaire or survey under AS 14.03.110(a) or (b), the school district must provide a parent or legal guardian at least two weeks written notice of the right to grant or deny permission to take the school questionnaire or survey, before it is administered.

Section 4. Specifies the contents of the written notice required to be given a parent or legal guardian, regarding a school district questionnaire or survey.

Section 5. Provides that a student's parent or legal guardian may refuse to allow participation in a specific school questionnaire or survey by submitting written denial of permission for the student's participation.

MFF:med
02-167.med

SECTIONAL ANALYSIS

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SEARCH INSTITUTE PROFILES OF STUDENT LIFE

Attitudes and Behaviors

Your answers on this questionnaire will be kept strictly confidential. DO NOT put your name on this form. It has no code numbers, so no one will be able to find out how you or anyone else answered. Your school will receive a report that combines many students' answers together. Therefore, no one will be able to connect your answers with your name.

This is not a test you take for school grades. You are just being asked to tell about yourself, your experiences, and your feelings. Please be as honest as you can.

PLEASE NOTE

To help ensure the quality of your community's data, please don't share this sample survey with any youth you may ask to take it.

Thank you

IMPORTANT MARKING DIRECTIONS

- Use a black lead pencil only (No. 2).
- Do NOT use ink or ballpoint pens.
- Make heavy black marks that fill the circle.
- Do not make any stray marks on the questionnaire.

EXAMPLES

Proper Mark



Improper Mark



1. How old are you?

- 11 or younger
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 18 or older

2. What is your grade in school?

- 5th
- 6th
- 7th
- 8th
- 9th
- 10th
- 11th
- 12th

3. What is your sex?

- Male
- Female

4. How do you describe yourself? If more than one, mark each that applies to you.

- American Indian
- Asian or Pacific Islander (for example, Cambodian, Hmong, Japanese, Korean, Laotian, Vietnamese)
- Black or African American
- Hispanic, Latino or Latina (for example, Cuban American, Mexican American, Puerto Rican, or other Latin American)
- White

Some of the questions in this survey ask about your parents. In this survey, "parents" (and "father" or "mother") refer to the adults who are now most responsible for raising you. They could be foster parents, step-parents, or relatives/guardians. If you live in a one-parent family, mark the parent for that adult.

5. Which one of the following best describes your family?

- I live with two parents.
- I live in a one-parent family with my mother.
- I live in a one-parent family with my father.
- Sometimes I live with my mother and sometimes with my father.

How important is each of the following to you in your life? Mark one answer for each.

Not important	Somewhat important	Not sure	Quite important	Extremely important
------------------	-----------------------	-------------	--------------------	------------------------

- 6. Helping other people
- 7. Helping to reduce hunger and poverty in the world
- 8. Helping to make the world a better place in which to live

Not important	Somewhat important	Not sure	Quite important	Extremely important
------------------	-----------------------	-------------	--------------------	------------------------

- 9. Being religious or spiritual
- 10. Helping to make sure that all people are treated fairly
- 11. Getting to know people who are of a different race than I am
- 12. Speaking up for equality (everyone should have the same rights and opportunities)
- 13. Giving time or money to make life better for other people
- 14. Doing what I believe is right even if my friends make fun of me
- 15. Standing up for what I believe, even when it's unpopular to do so
- 16. Telling the truth, even when it's not easy
- 17. Accepting responsibility for my actions when I make a mistake or get in trouble
- 18. Doing my best even when I have to do a job I don't like

ABOUT SCHOOL

19. On an average school day, about how much time do you spend doing homework outside of school?

- None
- Half hour or less
- Between half an hour and an hour
- 1 hour
- 2 hours
- 3 hours or more

20. What grades do you earn in school?

- Mostly As
- About half As and half Bs
- Mostly Bs
- About half Bs and half Cs
- Mostly Cs
- About half Cs and half Ds
- Mostly Ds
- Mostly below Ds

For each of the following, mark one response.
How often does one of your parents ... ?

	Very Often	Often	Some- times	Seldom	Never
21. Help you with your school work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22. Talk to you about what you are doing in school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23. Ask you about homework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24. Go to meetings or events at your school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How much do you agree or disagree with the following?
Mark one answer for each.

	Strongly Agree	Agree	Not Sure	Dis- agree	Strongly Disagree
25. At school I try as hard as I can to do my best work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
26. My teachers really care about me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
27. It bothers me when I don't do something well	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
28. I get a lot of encouragement at my school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
29. Teachers at school push me to be the best I can be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
30. My parents push me to be the best I can be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

31. During the last four weeks, how many days of school have you missed because you skipped or "ditched"?

<input type="radio"/> None	<input type="radio"/> 4 - 5 days
<input type="radio"/> 1 day	<input type="radio"/> 6 - 10 days
<input type="radio"/> 2 days	<input type="radio"/> 11 or more days
<input type="radio"/> 3 days	

For each of the following, mark one answer.
How often do you ... ?

	Usually	Sometimes	Never
32. Feel bored at school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
33. Come to classes without bringing paper or something to write with	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
34. Come to classes without your homework finished	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
35. Come to classes without your books	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Reminders: In this survey, parents (and fathers or "mother") refer to the adults who are most responsible for raising you.

ABOUT ME

How much do you agree or disagree with the following?
Choose one answer for each.

	Strongly Agree	Agree	Not Sure	Dis- agree	Strongly Disagree
36. On the whole, I like myself	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
37. It is against my values to drink alcohol while I am a teenager	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
38. I like to do exciting things even if they are dangerous.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
39. At times, I think I am no good at all.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
40. I get along well with my parents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
41. All in all, I am glad I am me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
42. I feel I do not have much to be proud of.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
43. If I break one of my parents' rules, I usually get punished.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
44. My parents give me help and support when I need it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
45. It is against my values to have sex while I am a teenager.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
46. In my school there are clear rules about what students can and cannot do.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
47. I care about the school I go to.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
48. My parents often tell me they love me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
49. In my family, I feel useful and important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
50. Students in my school care about me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
51. In my family, there are clear rules about what I can and cannot do.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
52. In my neighborhood, there are a lot of people who care about me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
53. At my school, everyone knows that you'll get in trouble for using alcohol or other drugs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
54. If one of my neighbors saw me do something wrong, he or she would tell one of my parents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

During the last 12 months, how many times have you ... ?

	Never	Once	Twice	3-4 Times	5 or More Times
55. Been a leader in a group or organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
56. Stolen something from a store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
57. Gotten into trouble with the police	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
58. Hit or beat up someone	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
59. Damaged property just for fun (such as breaking windows, scratching a car, putting paint on walls, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

During an average week, how many hours do you spend ... ?

	0	1	2	3-5	6-10	11 or More
60. Playing on or helping with sports teams at school or in the community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
61. In clubs or organizations (other than sports) at school (for example, school newspaper, student government, school plays, language clubs, hobby clubs, drama club, debate, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
62. In clubs or organizations (other than sports) outside of school (such as 4-H, Scouts, Boye and Girls Clubs, YWCA, YMCA)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
63. Reading just for fun (not part of your school work)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
64. Going to programs, groups, or services at a church, synagogue, mosque, or other religious or spiritual place	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
65. Helping other people without getting paid (such as helping out at a hospital, daycare center, food shelf, youth program, community service agency, or doing other things) to make your city a better place for people to live	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
66. Helping friends or neighbors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
67. Practicing or taking lessons in music, art, drama, or dance, after school or on weekends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Think about the people who know you well. How do you think they would rate you on each of these?

People who know me would say that this is ...

	Not at all Like Me	A Little Like Me	Somewhat Like Me	Quite Like Me	Very Much Like Me
68. Knowing how to say "no" when someone wants me to do things I know are wrong or dangerous	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
69. Caring about other people's feelings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
70. Thinking through the possible good and bad results of different choices before I make decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
71. Saving my money for something special rather than spending it all right away	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
72. Respecting the values and beliefs of people who are of a different race or culture than I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
73. Giving up when things get hard for me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
74. Staying away from people who might get me in trouble	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
75. Feeling really sad when one of my friends is unhappy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
76. Being good at making and keeping friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
77. Knowing a lot about people of other races	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
78. Enjoying being with people who are of a different race than I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
79. Being good at planning ahead	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
80. Taking good care of my body (such as, eating foods that are good for me, exercising regularly, and eating three good meals a day)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In this section we ask you about alcohol and other drugs. Please answer honestly. Remember, you are not expected to put your name on this form, so no one will ever be able to tell how you are doing.

How many times, if any, have you had alcohol to drink ... ?

Number of Times

	0	1	2	3-5	6-9	10-19	20-39	40+
81. In your lifetime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
82. During the last 12 months	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
83. During the last 30 days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

84. Think back over the last two weeks. How many times have you had five or more drinks in a row? (A "drink" is a glass of wine, a bottle or can of beer, a shot glass of liquor, or a mixed drink.)

- None
- Once
- Twice
- 3 to 5 times
- 6 to 9 times
- 10 or more times

85. If you came home from a party and your parents found out that you had been drinking, how upset do you think they would be?

- Not at all upset
- A little upset
- Somewhat upset
- Very upset
- Extremely upset

How many times, if any, have you smoked cigarettes ... ?

Number of Times

	0	1	2	3-5	6-9	10-19	20-39	40+
86. In your lifetime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
87. During the last 12 months	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
88. During the last 30 days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

89. During the last two weeks, about how many cigarettes have you smoked?

- None
- Less than 1 cigarette per day
- 1 to 5 cigarettes per day
- About 1/2 pack per day
- About 1 pack per day
- About 1-1/2 packs per day
- 2 or more packs per day

How many times, if any, have you used marijuana (grass, pot) or hashish (hash, hash oil) ... ?

Number of Times

	0	1	2	3-5	6-9	10-19	20-39	40+
90. In your lifetime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
91. During the last 12 months	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How many times, if any, have you used cocaine (crack, coke, snow, rock) ... ?

Number of Times

	0	1	2	3-5	6-9	10-19	20-39	40+
92. In your lifetime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
93. During the last 12 months	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

During the last 12 months, how many times have you ... ?

				3-5	5 or More
	Never	Once	Twice	Times	Times
94. Been to a party where other kids your age were drinking ...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
95. Driven a car after you had been drinking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
96. Ridden in a car whose driver had been drinking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How many times, if any, have you sniffed glue, breathed the contents of aerosol spray cans or inhaled other fumes in order to get high ... ?

Number of Times

	0	1	2	3-5	6-9	10-19	20-39	40+
97. During the last 12 months	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
98. During the last 30 days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

99. In an average week, how many times do all of the people in your family who live with you eat dinner together?

- None
- Once a week
- Twice a week
- Three times a week
- 4 times a week
- 5 times a week
- 6 times a week
- 7 times a week

100. How often did you feel sad or depressed during the last month?

- All of the time
- Most of the time
- Some of the time
- Once in a while
- Not at all

101. Have you ever tried to kill yourself?

- No
- Yes, once
- Yes, twice
- Yes, more than two times

102. Have you ever had sexual intercourse ("gone all the way," "made love")?

- No - SKIP TO QUESTION 104
- Once
- Twice
- 3 times
- 4 or more times

103. When you have sex, how often do you and/or your partner use a birth control method such as birth control pills, a condom (rubber), foam, diaphragm, or IUD?

- Never
- Seldom
- Sometimes
- Often
- Always

How many times, if any, in the last 12 months have you used ... ?

Number of Times
0 1 2 3-5 6-9 10-19 20-39 40+

- 104. Chewing tobacco or snuff
- 105. Heroin (smack, horse, skag) or other narcotics like opium or morphine
- 106. Alawan
- 107. PCP or Angel Dust
- 108. LSD ("acid")
- 109. Amphetamines (for example, uppers, ups, speed, bunnies, dexies) without a prescription from a doctor.

How much do you agree or disagree with the following? Mark one answer for each.

- | | Strongly Agree | Agree | Not Sure | Disagree | Strongly Disagree |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 110. Sometimes I feel like my life has no purpose. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 111. Adults in my town or city make me feel important. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 112. Adults in my town or city listen to what I have to say. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 113. I'm given lots of chances to help make my town or city a better place in which to live. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 114. Adults in my town or city don't care about people my age. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 115. In my town or city, I feel like I matter to people. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 116. When things don't go well for me, I am good at finding a way to make things better. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 117. When I am an adult, I'm sure I will have a good life. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Reminder: In this survey, "parents" (and "father" or "mother") refer to the adults who are now most responsible for raising you.

During the last 12 months, how many times have you ... ?

Never Once Twice Times Times
5 or More

- 118. Taken part in a fight where a group of your friends fought another group
- 119. Hurt someone badly enough to need bandages or a doctor
- 120. Used a knife, gun or other weapon to get something from a person
- 121. If you had an important concern about drugs, alcohol, sex, or some other serious issue, would you talk to your parent(s) about it?
 - Yes
 - Probably
 - I'm not sure
 - Probably not
 - No
- 122. How much of the time do your parents ask you where you are going or with whom you will be?
 - Never
 - Seldom
 - Some of the time
 - Most of the time
 - All of the time

Among the people you consider to be your closest friends, how many would you say ... ?

- | | A | | | | |
|---|----------------------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| | None | Few | Some | Most | All |
| 123. Drink alcohol once a week or more | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 124. Have used drugs such as marijuana or cocaine | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 125. Do well in school | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 126. Get into trouble at school | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

How often do you feel afraid of ...

- | | Never | Once in a While | Sometimes | Often | Always |
|--|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| 127. Walking around your neighborhood? | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 128. Getting hurt by someone at your school? | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 129. Getting hurt by someone in your home? | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

130. On the average, how many evenings per week do you go out to activities at a school, youth group, congregation, or other organization?
- | | | |
|-------------------------|-------------------------|-------------------------|
| <input type="radio"/> 0 | <input type="radio"/> 3 | <input type="radio"/> 6 |
| <input type="radio"/> 1 | <input type="radio"/> 4 | <input type="radio"/> 7 |
| <input type="radio"/> 2 | <input type="radio"/> 5 | |

131. On the average, how many evenings per week do you go out just to be with your friends without anything special to do?
- | | | |
|-------------------------|-------------------------|-------------------------|
| <input type="radio"/> 0 | <input type="radio"/> 3 | <input type="radio"/> 6 |
| <input type="radio"/> 1 | <input type="radio"/> 4 | <input type="radio"/> 7 |
| <input type="radio"/> 2 | <input type="radio"/> 5 | |

132. Imagine that someone at your school hit you or pushed you for no reason. What would you do? Mark one answer.
- I'd hit or push them right back.
 - I'd try to hurt them worse than they hurt me.
 - I'd try to talk to this person and work out our differences.
 - I'd talk to a teacher or other adult.
 - I'd just ignore it and do nothing.

How much do you agree or disagree with the following? Mark one answer for each.

- | | Strongly Agree | Agree | Not Sure | Disagree | Strongly Disagree |
|---|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| 133. Students help decide what goes on in my school. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 134. I don't care how I do in school. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 135. I have lots of good conversations with my parents. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 136. If I break a rule at school, I'm sure to get in trouble. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 137. My parents spend a lot of time helping other people. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 138. I have little control over the things that will happen in my life. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

During the last 12 months, how many times have you ... ?

- | | Never | Once | Twice | 3-4 Times | 5 or More Times |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 139. Carried a knife or gun to protect yourself. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 140. Threatened to physically hurt someone. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 141. Gambled (for example, bought lottery tickets or tabs, bet money on sports teams or card games, etc.) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

The following questions ask about the adults you know. When answering these questions, think of your parents or relatives.

How many adults have you known for two or more years who ... ?

- | | 0 | 1 | 2 | 3 or 4 | 5 or more |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 142. Give you lots of encouragement whenever they see you | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 143. You look forward to spending time with | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 144. Spend a lot of time helping other people | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 145. Do things that are wrong or dangerous | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 146. Talk with you at least once a month | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

On an average school day, how many hours do you spend ... ?

	None	1 Hour	2 Hours	3 Hours	4 or More Hours
--	------	--------	---------	---------	-----------------

147. Watching TV or videos... None 1 Hour 2 Hours 3 Hours 4 or More Hours

148. At home with no adult there with you None 1 Hour 2 Hours 3 Hours 4 or More Hours

149. Have you ever been physically harmed (that is, where someone caused you to have a scar, black and blue mark, welts, bleeding, or a broken bone) by someone in your family or someone living with you?

- Never
- Once
- 2 - 3 times
- 4 - 10 times
- More than 10 times

150. How many times in the last 2 years have you been the victim of physical violence where someone caused you physical pain or injury?

- Never
- Once
- Twice
- 3 times
- 4 or more times

151. Where does your family now live?

- On a farm
- In the country, not on a farm
- On an American Indian reservation
- In a small town (under 2,500 in population)
- In a town of 2,500 to 9,999
- In a small city (10,000 to 49,999)
- In a medium size city (50,000 to 250,000)
- In a large city (over 250,000)

152. How many years have you lived in the city where you now live?

- All my life
- 10 years or more, but I've lived in at least one other place
- 5 - 9 years
- 3 - 4 years
- 1 - 2 years
- Less than 1 year

153. How often do you binge eat (eat a lot of food in a short period of time) and then make yourself throw up or use laxatives to get rid of the food you have eaten?

- Never
- Once in a while
- Sometimes
- Often

154. Have you ever gone several months where you cut down on how much you ate and lost so much weight or became so thin that other people became worried about you?

- Yes
- No

155. What is the highest level of schooling your father (or step-father or male foster parent/guardian) completed?

- Completed grade school or less
- Some high school
- Completed high school
- Some college
- Completed college
- Graduate or professional school after college
- Don't know, or does not apply

156. What is the highest level of schooling your mother (or step-mother or female foster parent/guardian) completed?

- Completed grade school or less
- Some high school
- Completed high school
- Some college
- Completed college
- Graduate or professional school after college
- Don't know, or does not apply

Page 14 - Dr. Frederick J. Stokley

Excerpted page from 12/18/01 U.S.O.O.E.
letter to Superintendent Stokley of the
Ridgewood Public Schools.

We believe that the District required complainant H-163 to take the survey when it forced him to make-up the survey when he returned to school.

Did the survey ask questions that revealed information about one or more of the seven categories?

This Office has reviewed the survey in detail. We conclude that the survey contains questions that seek to reveal information concerning subject areas such as sex behavior and attitudes, illegal, anti-social, self-incriminating and demeaning behavior, and critical appraisals of other individuals with whom respondents have close family relationships. In particular, we have identified the following questions as touching upon the seven categories listed in the law:

- *Sex behavior and attitudes* - questions 45, 102, 103, 121;
- *Illegal, anti-social, self-incriminating and demeaning behavior* - questions 31, 37, 38, 39, 41, 42, 56, 57, 58, 59, 68, 72, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 105, 106, 107, 108, 109, 110, 118, 119, 120, 139, 140, 141, 153, 154;
- *Critical appraisals of other individuals with whom respondents have close family relationships* - questions 30, 40, 43, 44, 48, 49, 51, 85, 129, 135, 136, 137, 148, 149, 150.

If the survey was required, did the district obtain prior written consent?

As noted above, the District has admitted it did not obtain prior written consent. The District stated in its February 11, 2000 response, "The survey was both voluntary and anonymous. Therefore, prior written parental consent was neither sought nor obtained. Students were not "required" to take the survey."

Conclusion

This Office concludes that the school district violated PPRA when it administered the survey on or about October 22, 1999, in the George Washington Middle School and on or about November 2, 1999, at the Ridgewood High School. We reach this determination because the evidence demonstrates that the school district, through the use of federal funds, required its students to take a survey that touched upon three of the seven categories of information listed in the law.

In order for this Office to close the investigation of this complaint, the District must provide the FPCO with a written assurance that all appropriate officials of the District have been informed of the PPRA requirements. Specifically, all appropriate officials need to be informed of the requirement that written consent be obtained from parents prior to administering a survey that is subject to PPRA. The assurance should include the date when and the manner in which the school district informed the officials about these requirements. Please provide this Office with a copy of any memorandum or other written document used to provide such guidance.

United States Code : Title 20, Section 1232h

<http://www4.law.cornell.edu/uscode/20/1232h.text.html>

Sec. 1232h. Protection of pupil rights

(a) Inspection of instructional materials by parents or guardians

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

(b) Limits on survey, analysis, or evaluations

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning -

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent (*emphasis added*).

(c) Notice

Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) Enforcement

The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that -

- (1) there has been a failure to comply with such section; and
- (2) compliance with such section cannot be secured by voluntary means.

(e) Office and review board

FAX COVER SHEET**DATE:** April 9, 2002**FAX TO:** Representative Fred Dyson, Chairman
House Health, Education & Social Services (HESS) Committee
Fax: 907-465-4587**FROM:** Carole A. Nunn Ph: 201-444-8449
515 Summit Street Fax: 201-251-9789
Ridgewood, NJ 07450 E-mail: carolanunn@aol.com**MESSAGE:**

I would hope that as your committee meets today to discuss HB 408 (passive parent permission for student surveys), your committee members would keep in mind the rights of parents and students under the U.S. Constitution. In our much publicized lawsuit involving the Ridgewood, NJ student survey issue, we allege that the administration of the survey:

- • Compelled speech in violation of the First Amendment;
- Was an unreasonable intrusion into the household in violation of the Fourth and Fourteenth Amendments;
- Violated the substantive due process rights for the adults to raise their children as guaranteed by the Fifth and Fourteenth Amendments;
- Contravened the right to privacy under the Fourth, Fifth and Fourteenth Amendments;
- And violated the Fifth Amendment privilege against self-incrimination.

The Third Circuit Court of Appeals in their 12/10/01 decision stated that we failed to allege a violation of the "Fifth Amendment protection against compelled self-incrimination." They said in order for self-incrimination to be compelled, there must be a coercion that attaches significant penalties to non-compliance. Students were warned over the loudspeaker that if they did not report to take the survey, it would be considered a cut. Apparently, the court did not see that as a significant penalty. HOWEVER ... the Third Circuit Court went on to say: "We are not, however, prepared to say that C.N. could not, as a matter of law, establish any set of facts which would demonstrate violation of the other constitutional rights asserted."
A family's constitutional rights should come first.

Carole A. Nunn

Surveys stir debate over privacy rights versus research

By Cheryl Wetzstein
THE WASHINGTON TIMES

Have you ever had sexual intercourse (gone all the way, made love)? As of January, students in New Jersey public schools can't be asked this kind of personal question on a survey without their parents' prior written consent.

The Jan. 9 law enacting this change has been hailed as a victory for privacy rights of parents and their children and something that should be adopted nationally.

Researchers, however, say the law is "excessive" and will jeopardize important research into teen behavior.

There has long been a tug of war over student surveys in schools.

Researchers agree that schools are the ideal place to survey teens and have typically addressed the need for parental consent with a technique called "passive consent," "active dissent" or "opt out."

With this technique, schools inform parents of an upcoming survey and ask them to tell the school if they don't want their children to take it — parents must "actively dissent" or "opt out." If the school doesn't hear from the parents, it assumes it has their "passive consent" to give the survey to their children.

The New Jersey law requires "active consent," which means par-

ents must tell the school that their children can take a survey. If parents don't say yes, their children cannot participate in any school survey that asks questions about politics, sex, drugs and other personal issues.

The law stems from a battle over a 156-question survey that was given in 1999 to more than 2,000 public middle- and high-school students in Ridgewood, N.J.

The survey asked teens about sexual activity, birth control, drugs, liquor, cigarettes, binge eating, depression, suicide, stealing, physical violence, and relationships with family and friends.

School officials said they notified parents several times about the survey but did not seek parental consent because the survey was voluntary.

Many Ridgewood parents were outraged by the survey, saying it introduced children to bad behaviors, invaded family privacy and instilled a politically liberal worldview.

"The questions were so politically correct," said Ridgewood mother Frances Edwards, noting that students were asked to assess their feelings about race relations, poverty and "speaking up for equality."

Amid a lengthy battle — which includes an ongoing lawsuit — New Jersey officials passed their law, which was hailed as a "great victory for parents" by Phyllis Schlafly, founder of the Eagle Forum.

"The school system is just obsessed with giving these nosy questionnaires," Mrs. Schlafly said.

Schools shouldn't use valuable classroom time on social surveys, but if they do, they should all require active parental consent, she said.

"Now in New Jersey, there will be one state where the parents will not always lose," said Michael Schwartz, vice president for government relations at Concerned Women for America, which supports parental rights in surveys.

Getting active parental consent for student surveys is "analogous to doing medical research," Mr. Schwartz said. Medical research can only be conducted on people who consent to it, he said. "Why in the world would we think you can do research on children without their parents' knowledge and consent?"

Shepherd Smith, president of the Institute for Youth Development, which publishes a journal on teen behaviors, is "empathetic to both sides" in the issue.

"Clearly as a parent, I'm not real excited about intrusive surveys in high school," he said. "At the same time, I understand that the data gained in these surveys is critically important to ultimately reducing the negative behaviors."

Supporters of the New Jersey law "may have won a Pyrrhic victory," said Lloyd D. Johnston, direc-

tor of the Monitoring the Future (MTF) survey.

The federally funded MTF, founded in 1975, goes into 400 schools every year to ask eighth, 10th- and 12th-graders about their substance abuse and other behaviors.

MTF uses active dissent in almost all its schools, said Mr. Johnston, who works at the Institute for Social Research at the University of Michigan.

In the few schools that require active consent, he said, MTF researchers have found that many parents don't return the consent form — "they didn't open their mail or get around to answering it," Mr. Johnston said.

As a result, as many as 30 percent of students are excluded from taking the MTF survey, even though, based on deeper research, fewer than 2 percent of parents actually object to the survey.

The loss of so many students "skews the findings in a serious and important way," Mr. Johnston said.

"Parents, more than anyone, stand to benefit from our having this knowledge," he said, noting that the MTF helped alert the nation to expanding marijuana use in the 1970s, cocaine use in the 1980s and ecstasy use in the 1990s.

"So I'm not sure the interests of parents are being well-served, even though it's in their name that these

efforts are taken," he said.

"I have yet to hear someone come up with an alternative approach to getting data other than asking the question," said Sarah Brown, director of the National Campaign to Prevent Teen Pregnancy.

Parental concerns about sensitive surveys of young teens are reasonable and should be addressed, perhaps with opt-out techniques, said Mrs. Brown. But there are compelling public health concerns that require data about teen behavior that have to be addressed as well, she said.

It's difficult to ask teens questions about topics such as oral sex, and yet "every time there's something in the paper, we get hysterical calls asking isn't it true that all the middle schoolers are having oral sex?"

"And I have to say, 'Well, I actually don't have any information. All I have is anecdotes,'" Mrs. Brown said.

"I see [the New Jersey law] as excessive," said Michael D. Resnick, a pediatrics professor at the University of Minnesota and researcher with the National Longitudinal Study of Adolescent Health (Add Health).

"The vast majority of parents are all right [with surveys] as long as they are informed," he said, citing his two decades of experience in researching teen behavior.

Board games prove popular in terror's wake, amid recession

File

A school survey outrage in Ridgewood, N.J.

Imagine a school where 13-year-old children are asked to report whether they have multiple sex partners and to answer questions concerning their parents and relatives' marital practices, addictions, weight and diseases. Could this be the Soviet Union, perhaps? Nazi Germany? Or America's own Ridgewood, New Jersey — where students and parents recently celebrated a victory won in a federal court, which ruled the families could argue in federal court that a forced survey gleaning personal information from students was unconstitutional.

The U.S. Department of Education also ruled that the school district violated federal law by surveying students on sex, drugs, and suicide without parental consent. The Ridgewood case also served as a catalyst for a new law passed in New Jersey on Jan. 7, which made it a federal requirement for parents to give informed written consent before students are given surveys or tests which could reveal such personal information as sexual behavior, family income and other personal family matters, regardless of whether the test was federally funded or not. Why does it take a new law and a two-year lawsuit to convince school board officials to respect civil liberties? The bad news is, it hasn't.

In the fall of 1999, students ages 11 to 18 in the Ridgewood School District were required to answer questions about their own drug use, sexual life and any illegal activity they had been involved in. The 156-question survey asked students to name how many times they had tried to kill themselves, made themselves throw up after they eat, used contraception or breathed the con-

they had been forced to take the survey during class time or be counted as absent. The case then went on to the U.S. Court of Appeals for the Third Circuit, where the three-judge panel ruled the district court was wrong, that plaintiffs could argue in federal court that the survey violated rights to silence, substantive due process, privacy and from household intrusion as pro-

from the appeals court which just ruled against them, and the case cannot proceed back to the U.S. District Court for the District of New Jersey until the panel decides whether to grant the school board's request.

Meanwhile, Ridgewood students were forced to submit to more of the same type of nosy questions — and worse. In a different survey disbursed once

ners, no protection from STDs or unwanted pregnancy, etc)?"

- "Are there guns in your home or the homes of your friends?"

- "Has your life changed significantly in the past year (e.g. through illness, your parents' divorce, a death in the family, financial problems, a move to another city)?"

If the child made it through questions on how many times he brushed his teeth, takes illegal drugs and drives drunk, he then gets to divulge the private life of mommy and daddy: "Do you have a parent, grandparent, brother, sister, aunt, or uncle who . . . Developed breast cancer? . . . Is an alcoholic? Is significantly overweight? Developed colon cancer?"

The child must then graph his positive and negative behaviors so that he can see in black and white how "at-risk" he is. A better question would be to ask how at-risk families are of being controlled by school board secret agents. The Department of Education ruling carried with it no penalties for the school district. Perhaps that could be amended to force the Ridgewood Board of Education to take the same surveys it gave to the children, and let the families of Ridgewood do the grading.

Sarah Means is an editorial writer for The Washington Times.

Students were asked to rate themselves on how at-risk they were for bad behavior. The children would then graph their positive and negative behaviors so that they could see in black and white how "at-risk" they are. A better question would be to ask how at-risk families are of being controlled by school board secret agents.

tents of an aerosol spray can to get high. This, without the parents' written consent or knowledge of the questions that would be asked. Judge Nicholas Politan of the U.S. District Court for the District of New Jersey dismissed the case in February of last year, falsely claiming that federal funds were not used — in fact, \$5,000 was gleaned from taxpayers for the survey — and disregarding students' sworn affidavits that

tected by the First, Fifth, Fourth and Fourteenth Amendments.

But that wasn't enough for the Ridgewood school board and Ridgewood Schools Superintendent Frederick Stokley, who still maintain that the survey was voluntary, even though every student in grades seven through 12 of the affected schools was made to take it, even if they had been absent. They have called for a rehearing by the same three-judge panel

again during gym class without parents' permission to George Washington Middle School last year; students were asked to rate themselves on how at-risk they were for bad behavior. Students had to put their names on the survey, titled "How am I," and were given a grade for it. A few of the survey questions given to seventh graders:

- "Are you engaging in risky sexual behavior (multiple part-

New Jersey Permanent Statutes

TITLE 18A EDUCATION

18A:36-34. School surveys, certain, parental consent required before administration

1. a. Unless a school district receives prior written informed consent from a student's parent or legal guardian and provides for a copy of the document to be available for viewing at convenient locations and time periods, the school district shall not administer to a student any academic or nonacademic survey, assessment, analysis or evaluation which reveals information concerning:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or the student's family;
- (3) sexual behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom a respondent has a close family relationship;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; or
- (8) social security number.

b. The school district shall request prior written informed consent at least two weeks prior to the administration of the survey, assessment, analysis or evaluation.

c. A student shall not participate in any survey, assessment, analysis or evaluation that concerns the issues listed in subsection a. of this section unless the school district has obtained prior written informed consent from that student's parent or guardian.

d. A school district that violates the provisions of this act shall be subject to such monetary penalties as determined by the commissioner.

L.2001,c.364.

House HEALTH, EDUCATION & SOCIAL SERVICES Minute



Apr 06, 1999

HB 70 - PUBLIC SCHOOL SURVEYS

Number 0277

CO-CHAIRMAN DYSON announced the next order to business as House Bill No. 70, "An Act relating to questionnaires or surveys administered in public schools."

CO-CHAIRMAN DYSON handed over the gavel to Co-Chairman Coghill.

CO-CHAIRMAN COGHILL called on Co-Chairman Dyson to testify as sponsor of HB 70.

Number 0342

CO-CHAIRMAN DYSON noted that there is not a quorum yet, but they will continue testimony. He asked that the committee not vote on HB 70 today since they just got the proposed CS in the last few hours.

CO-CHAIRMAN DYSON went on to say that during this past year, there was some controversy whether the Youth Risk Behavior Survey (YRBS) could be administered without active parental permission. In AS 14.03.110 it says "... whether anonymous or not, that inquires into private family affairs of the student ..." and his first thought was to insert "a private family or personal affairs of the student" in order to make it clear that active parental permission was required. In subsequent discussion with the Department of Health and Social Services (DHSS), they made a clear and convincing case that the logistics of doing that were insurmountable.

CO-CHAIRMAN DYSON said for the last two months he has been working on a way that his concerns and parents' concerns for parental consent and control could be satisfied without making a logistics nightmare for the department. The proposed CS is more complicated than he wanted, but it is comprehensive. It is very similar to a proposal in Utah and allows for a once-per-year blanket approval by the parent for surveys, and it sets down some conditions for doing it. He intends to make this easy for the school districts. At enrollment, the parent can sign another piece of paper or check a box on the enrollment form, and then the school district knows they have permission to do the surveys.

Number 0604

CO-CHAIRMAN DYSON continued that it his intention that parents will get an additional notification in advance of the survey in case they change their mind to opt out. Even the once a year blanket permission is difficult, but the information that is obtained from the YRBS is valuable. There are federal funding grants that are jeopardized, if not eliminated, if the DHSS is not able to get this information. He will make copies of the actual YRBS available to the committee before they vote.

CO-CHAIRMAN COGHILL asked how different the proposed CS is from the original version.

CO-CHAIRMAN DYSON answered that it is quite different and more comprehensive. He will also have a sectional analysis available. He called their attention to some important points. On page 2, line 30, subsection (e) is where it talks about getting blanket permission; page 3, line 3, subsection (e) (2) provides for parents to change their mind after they have given written consent.

Number 0920

JOHN MIDDGAUGH MD, Chief, Epidemiology Section, Division of Public Health, Department of Health and Social Services (DHSS), came forward to testify. He said they share many of the principles and are trying to get to the right place for everyone. He explained that the YRBS was developed by the National Center for Disease Prevention and Control in collaboration with 71 state and local departments of education and 19 federal agencies.

DR. MIDDGAUGH explained that the YRBS collects information on middle school and high school students about behaviors that relate to the major causes of disability, injury and disease for their age group and later in their lives. The school-based survey uses a systematic, nationally comparable methodology. It is conducted in all the states and in many school districts; so Alaska could get data and compare itself to other school districts and states. The DHSS was able to conduct this in 1995, did so very successfully, and got valid statewide results that gave them some information about the behaviors of that age group.

Number 1012

DR. MIDDGAUGH stated this information has allowed the DHSS to craft programs to try to assist and support students who are doing things right; it turns out that most of the students are doing things right, and target programs to students who need additional assistance. Given the success of this survey in 1995, the DHSS anticipated little controversy and similar support and success in 1999. To their surprise, they encountered a lot of questions. There was a lot of misinformation. Questions were raised on different legal opinions, about what constituted a family affair, and about the interpretation of existing laws. Unfortunately, a great amount of incorrect information characterized the YRBS as wanting to be done without parental permission.

DR. MIDDGAUGH stated that the YRBS always has been and always would be done with parental permission. The YRBS is voluntary, not mandatory. It is done based on the voluntary participation of a local school district. Under current procedures, the districts have an option, if they choose, of conducting the survey with passive permission. If the district wished to get active written parental permission, they clearly can do so. The whole approach has been a partnership to help get information for use in public health and schools to assist the students. Passive parental permission is where there is an implied consent: the schools notify the parents in writing, newsletters, and/or offer the complete survey for parent's review. Any parent or child can then opt out of participating in the survey by informing the school.

DR. MIDDGAUGH told the committee the problem the DHSS has with active parental permission is that the notices sent home to get parental permission are not returned to the school. Numerous activities are done in the schools with passive parental permission. The difficulties they face in conducting the survey with active parental permission is threefold. The first one is a selection bias because many of the students whose behaviors they are most interested in learning about are just the ones who don't

bring the permission slips back. It isn't necessarily a case of the parent objecting to the student's participation, it is a logistic barrier of getting the actual slips back. The second one relates to the cost of doing it. The third one relates to confidentiality. The way the YRBS is done with passive parental permission is that the sample of students to participate is only a small proportion of the students enrolled in the district. The students are not individually identified, but the classrooms are. The questionnaire comes in an envelope with no name on it; the survey is distributed in the classroom so the survey people never know the students' names. Up until actually executing the survey, a parent or child can elect not to do it, and any questions the students don't want to answer can be skipped. When the survey is completed, it is put back in the envelope and turned in. No names are on the surveys, no list of the students who participated is available; so the survey is completely confidential and anonymous. Answers could never be linked back to any individual students.

DR. MIDDAUGH explained that with active parental permission, a list of students who have permission has to be maintained by somebody, and potentially it could provide a source of breach of confidentiality later. Every questionnaire would have to be labeled with the student's name, and records would have to be kept to verify that only the students with permission were the ones who participated. These three problems are why it causes a great barrier to conduct these surveys. If the parents wish to undertake active parental permission, they can do so under current procedures. The DHSS would hope to get support to craft a solution that would indeed allow these future surveys done efficiently, maintaining the current situation of local district autonomy to make those decisions, but also to enable the DHSS to efficiently collect this information.

DR. MIDDAUGH pointed out one concern in the proposed CS is the burden on the school districts to get parental permission, maintain the list of students with permission and then re-notify the parents before the survey is given in case they want to opt out. The purpose is to get valid, "generalizable" data, and protect confidentiality. The power of the information is to identify the students who need help; help evaluate the programs; provide an advantage to districts for competition of federal grant funds to have the solid data to help them leverage resources.

Number 1433

DR. MIDDAUGH stated the DHSS is conducting the YRBS surveys in Alaska in 1999. Because Anchorage elected not to participate, they will not have a "generalizable" statewide result to compare to 1995. They will have results for 28 districts, who are currently participating, involving over 1,300 classrooms and about 25,000 surveys. Two of the districts elected to use active parental permission; all the rest are using passive parental permission and are doing so successfully.

DR. MIDDAUGH hopes they can continue the dialog to reach a win-win situation because he believes they share many of the goals. The DHSS wants to protect the scientific validity of the survey, minimize the costs and burdens on the schools districts, while preserving the absolute commitment to notify parents to give them the opportunity to opt out, and then absolutely maintaining the confidentiality and privacy of the data.

Number 1490

CO-CHAIRMAN DYSON asked how much money is riding on this.

DR. MIDDAUGH answered that he didn't know the answer to that because the goal of the DHSS is to use the data related to public health programs. For example, the drug and alcohol program was able to use the YRBS that resulted in new federal funding of \$3 million which was distributed to Alaska communities for drug and alcohol prevention programs. He thought that the Department of Education could better respond to the funding streams available to districts.

CO-CHAIRMAN DYSON asked if the \$3 million funding requires that the YRBS be done or just that information be gathered.

DR. MIDDAUGH said no, there is no money that specifically requires the survey.

CO-CHAIRMAN DYSON asked if the data gathered was used to demonstrate what a powerful need exists in Alaska and thereby secure some funding.

DR. MIDDAUGH answered yes.

CO-CHAIRMAN DYSON asked Dr. Middaugh to address how the once a year blanket permission at enrollment would be a tremendous burden on the school district.

Number 1626

DR. MIDDAUGH explained that it takes staff time to collect the permission slips when the students haven't brought them back to school. It wasn't because the parents didn't want the students to participate, but perhaps the parents were out of town or the slip got lost. The DHSS did not use the simple mechanism of handing something to the child to take home to the parents in the passive parental permission exercise. There was a letter to every parent or guardian, there were newsletters, local publicity, Parent-Teacher Association meetings and public meetings to get information. In talking to school district colleagues, the DHSS found out that the logistics of getting a blanket permission at a time before the actual survey would be given, then to enter the data, and use it later would be very cumbersome.

CO-CHAIRMAN DYSON asked why it is difficult for the school enrollment form to include another page to sign or check off a box when they are already maintaining registration records.

DR. MIDDAUGH said it will require the schools to set up a new mechanism to collect and maintain those permission records which they currently aren't doing. With the turnover in school enrollment, at the time of actually administering the survey, they would have to go back and specifically identify every single child by name who then did or didn't have permission. The logistics, the costs and the practicality of pulling the samples are going to add a tremendous burden to the school districts as well as those conducting the survey. He would argue that the protections of notifying parents and giving them the chance to opt out exists today, is effective and would meet the need of almost every person in the state.

CO-CHAIRMAN DYSON commented that most schools are automating their records, and he suggested that the permission information could be sorted on the computer.

DR. MIDDAUGH suggested from discussions with the school districts that it isn't as easy as it would seem or appear.

Number 1815

CO-CHAIRMAN DYSON asked if Dr. Middaugh thought they couldn't get enough parents to give permission for the survey on an active basis.

DR. MIDDAUGH said the mechanisms to get active parental permission are much more cumbersome. In 1995, Juneau used active parental permission, and this year Sitka used active parental permission, and both had a very interesting experience in terms of the extra costs and burdens, the number of volunteers and clerical time it took. In order for the survey to be valid, there has to be a certain response rate; if they don't get the response rate, then they can't generalize the results of the survey. He encouraged the committee to get specific testimony from those who were involved in Juneau and Sitka to relate their experiences, because they speak quite powerfully to the difficulty of doing this.

Number 1907

CO-CHAIRMAN COGHILL asked why Anchorage decided not to take the survey.

DR. MIDDAUGH answered that they were concerned about a potential lawsuit over the interpretation of the current law if they were to undertake it with passive parental permission. The second issue is they felt the costs and burden on their district were too great to undertake it with active parental permission under the time frame. They did suggest they would entertain the survey if DHSS would pay for all the additional costs of trying to undertake it with active parental permission, but the DHSS had no funds to do that."

Number 1953

ELMER LINDSTROM, Special Assistant, Office of the Commissioner, Department of Health and Social Services, came forward to testify. Based upon the concerns of the Anchorage School District raised over a potential lawsuit, he said, "With your permission we did have a potential amendment drafted referenced to the original bill that I think very narrowly addresses the concern that was raised by Anchorage, making it abundantly clear that passive parental permission is permissible for anonymous surveys that are conducted, even though they might inquire into the private or personal matters of the student or the student's family. But again, making it clear it was only related to anonymous surveys where there was no ability to identify individual students who took part in the study or the results for those individuals."

CO-CHAIRMAN COGHILL said one of his concerns is the ability of a parent to speak to the very issue of their child taking even an anonymous questionnaire that unduly defiles them. They may not want them to go through that mental exercise. He said he believes parental notification is going to be a high issue. He entertained this amendment under advisement since they don't have a quorum.

Number 2042

MR. LINDSTROM referred to the tobacco tax discussion a few years ago and mentioned that the state is obligated over time to show that the increase of the tobacco tax was having the effect they promised it would: it would reduce youth's use of tobacco. The YRBS is the instrument to gather the data to prove to the legislature whether the programs are working. "For youth issues the YRBS really is the gold standard. It is something we hang our

hat on everyday in the department."

CO-CHAIRMAN COGHILL acknowledged that it is valuable information. He thought it would be helpful if parents did a similar survey.

Number 2150

DR. MIDDAUGH said there is an adult survey, and he would love to see it given if they could find funding. "We are identically concerned about confidentiality and anonymity. This mechanism assures that. It absolutely assures that no answer can be identifiable to a person. The power of the data is that it is 'generalizable.' That's why we think this is a major thing that we hope we can convince you of our case to assure our ability to do it. We would be very happy to continue to provide additional information and explore ways to see if we can sort out this conundrum right now."

CO-CHAIRMAN COGHILL reiterated that parents do have access to the actual questions prior to the survey.

CO-CHAIRMAN DYSON commented that it takes the parents paying attention to the notice and then asking for a copy of the questions.

DR. MIDDAUGH explained if parents ask for the questions, they will be mailed to them; they are made available at the school and depending on the local district, a public meeting is held where parents can come and discuss the survey and all the mechanisms for it with someone involved in administering the survey.

DR. MIDDAUGH said the DHSS has had a lot of experience with the survey and was caught blind sided. In 1995 things were effective and smooth, the DHSS thought they had gained wide support to continue to do the survey. They hope by continuing to do the survey, it is something that can be supported; and that it does have integrity in the notification mechanism. Their intention is to do it every two years to have good monitoring data to tell whether the programs are working.

Number 2253

CO-CHAIRMAN COGHILL remarked that parents quite often will not answer very probing questions which are similar to the ones on the survey. He believes if parents were given the questionnaire, many would resist probing questions, even under anonymous conditions. "In a school setting quite often, the authoritative nature of giving a questionnaire at school almost goes unquestioned by many students just because of the nature of the situation. Therefore, I think that the active participation in the parents, that anybody would agree with, that parental involvement is so important, is worth the effort. As I read this, I am going to be looking for not only the cost of the effort but how to facilitate that effort."

TAPE 99-30, SIDE B

Number 2336

CO-CHAIRMAN DYSON summarized where he believes they are. They agree that the information is valuable and useful for getting grants, and they agree they want parents in the loop. The disagreement seems to be whether the parental permission will be active or passive. He commented that Dr. Middaugh's position is that active permission is logistically difficult enough to call into question the ability to do the job and get the survey.

CO-CHAIRMAN DYSON said, "You didn't say, but were on the edge of inferring there might not be enough parents who would actively agree if it was really easy to get their permission. You didn't say that, but there might not be a high enough percentage of parents that would agree...you have no problem with active permission if we can find a good way to do it that wasn't logistically impractically overwhelming, and because the ways that we've come up with of getting active permission are too cumbersome, you're wanting to go with the best kind of a passive program, with all the ways of notifying." He asked if that accurately characterized Dr. Middaugh's perspective.

Number 2271

DR. MIDDAUGH said that was a very close summary. His additional concern is the bias of the survey and the costs related to the mechanisms of active and passive permission based on national experience of published data in Alaska's experience. "Perhaps we could explore what has happened here related to that question. I don't think it is a question that enough parents don't want their kids doing the survey that that is the issue. That's not been our experience. I absolutely do think there are many parents who absolutely do not want their kids to do the survey. I think the goals, and I think we've met the goal, is to give a mechanism for them to have that right protected under existing procedures. I would like a chance to have an opportunity to arrange for you to hear from the districts that have undergone the experience of trying to do the active permission. I also want to make certain that these remarks are only directed for a survey that is completely anonymous and confidential. When we talk about anything else then we're talking a completely different ballpark."

CO-CHAIRMAN DYSON asked Dr. Middaugh if he just said that getting the active permission would take enough of a group of students out of it to bias the results, and therefore not give them an accurate enough data base.

Number 2208

DR. MIDDAUGH replied it is a concern.

CO-CHAIRMAN DYSON commented, "I think you just made my case."

DR. MIDDAUGH explained the reason that the question "why do they not get the permission in" is not because the students or the parents object to the questions; it is because the students do not get the permission slips returned. When given an opportunity, they do take the survey, and they do answer it. There's a great amount of information about that.

CO-CHAIRMAN DYSON commented it doesn't seem to him that is addressed to the parents who are doing the enrolling.

DR. MIDDAUGH continued saying, "Those data are available as well about the acceptability to parents, and again I think actually, the experience here of individuals involved in local districts with their communities can help answer that exact issue that you're getting at about why is it that individuals don't do it. The ones that don't do it, articulate that and clearly don't participate. There's a group that just don't participate. It's not that they object to doing it, and given an opportunity to facilitate their participation, they participate and the information is valuable. It's just about a selection bias. It's very difficult to always get to the non-responders in a survey. Their characteristics are

often very different than those who respond. Those are often exactly the kids we're most interested in learning about. I think we can provide a lot of information to back that up in terms of experience."

CO-CHAIRMAN DYSON asked if Dr. Middaugh was saying that the parent who, at the time of enrollment doesn't give permission, is the very one they want to get information from.

Number 2111

DR. MIDDAUGH said, "No it isn't. I was talking about a specific active written parent permission at the time of the survey. We have no experience with your proposal which would be 'what would parents behavior be at the start of a school year to give a blanket permission for a survey they can't see because it's not available at the time they enroll their kid to be administered six months later.' I think that is an unfair comparison."

CO-CHAIRMAN DYSON agreed. I'm glad we got through that.

DR. MIDDAUGH said, "Yes we're talking about two different scenarios."

Number 2084

CO-CHAIRMAN COGHILL said to Co-Chairman Dyson, "According to the bill you have, having checked that at the beginning of the year, they still have the chance or opportunity to opt out once the survey is brought up for notification to be done, right?"

CO-CHAIRMAN DYSON said yes.

The committee took an at-ease from 4:35 p.m. to 4:36 p.m.

Number 2058

CO-CHAIRMAN COGHILL said his intention is to keep testimony open and deal with this when they have a quorum. HB 70 will be continued until Thursday.

CO-CHAIRMAN COGHILL passed the gavel back to Co-Chairman Dyson.

Bill Root: Display Bill Root



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FRED -

HB 408 - Surveys.

Which of this would you
like me to pass out to
HESS members? Please Mark.

Jason.

Subject: HB 407

Date: Sun, 7 Apr 2002 19:13:07 -0800

From: "Lewis, Steve" <STLewis@PetroStar.com>

To: ""Representative_Fred_Dyson@legis.state.ak.us"" <Representative_Fred_Dyson@legis.state.ak.us>
""Representative_Peggy_Wilson@legis.state.ak.us"" <Representative_Peggy_Wilson@legis.state.ak.us>
""Representative_John_Coghil@legis.state.ak.us"" <Representative_John_Coghil@legis.state.ak.us>
""Representative_Vic_Kohring@legis.state.ak.us"" <Representative_Vic_Kohring@legis.state.ak.us>
""Representative_Garry_Stevens@legis.state.ak.us"" <Representative_Garry_Stevens@legis.state.ak.us>
""Representative_Sharon_Cissna@legis.state.ak.us"" <Representative_Sharon_Cissna@legis.state.ak.us>
""Representative_Reggie_Joule@legis.state.ak.us"" <Representative_Reggie_Joule@legis.state.ak.us>

Dear Representatives,

It is my understanding that HB-407 will be coming up for a vote in the House HESS committee early next week and I would urge each of you to vote in favor of HB 407 and move it out of your committee, as it is currently drafted, to the Rules Committee. Petro Star Inc. and our subsidiaries Sourdough fuel and Petroleum Sales, along with our Sister companies Natchiq, APC and Houston Contracting CO. employ more than 800 employees in the Fairbanks area. Not only do we have that many employees, but for the most part each of them represents a house hold that we provide medical benefits to. After living in Fairbanks for more than 24 years of my career, before moving to Anchorage, I certainly recognize the politics involved in this issue and the special interest that are represented on both sides. However, not only does this bill provide an avenue for competition, which is always good from the stand point of cost, but it also gives the citizens of the North Star Borough greater choices relative to their medical care, both from a dollar standpoint and availability of services. Not only is the current system potentially costly to our company, it limits the choices of our employees. Competition is good for the community and lack of it can only produce higher cost and less services. Again I would urge you to vote in favor of HB-407.

Sincerely,

Stephen T. Lewis
Chairman and CEO
Petro Star Inc.

Sectional for CSHB 407(HSS)
Version O

***Section 1.** (a)(1) This provision specifically provides that if a facility is operating under a certificate of need, that facility cannot, **for any amount**, construct a skilled nursing facility or psychiatric hospital, increase the bed capacity of a skilled nursing facility, nor convert a building or part of a building to a skilled nursing facility or psychiatric hospital. It also prohibits the conversion of adult psychiatric beds to psychiatric beds designated for care of a child under 21 years of age. This language requires a CON for skilled nursing facilities and psychiatric hospitals.

(a)(2) This provision stipulates that a skilled nursing facility or a psychiatric hospital wishing to add health services that would cost \$1 million or more would have to apply for an additional CON to do so.

It also exempts from the CON provisions any health facility other than a skilled nursing facility or psychiatric hospital in an area with a population of 55,000 or more.

Section 2. Provides that a facility destroyed on site or demolished on site could be replaced without having to acquire a new certificate of need and provides that a facility could move to a new site without a new certificate of need as long as capacity and categories of services do not change.

Section 3. Requires the department to adopt regulations to set a time limit for department determines the application is complete.

Section 4. Requires the department to set a time limit by which public hearings must be held.

Requires the department to approve or deny an application within 120 days of the date the department determined the application was complete.

Section 5. Places all certificate of need applications under the same standards of review that currently exist for nursing home beds. All CON's except nursing homes had a vague standard of review under AS 18.07.041. This change gives a more definitive standard for the applicants to follow.

Sections 6

Thru 10. Technical changes required under Section 5.

Section 11. Repeals the broad standard of review in AS 18.07.041 and repeals 18.07.031(b) which is now AS 18.07.031(a)(1)(C) and is expanding the restrictions to psychiatric hospitals.

Section 12. Applicability of new statute is limited to CON applications filed on or after the effective date.

Section 13. Has an immediate effective date.

EXISTING LAW:

Sec. 14.03.110. Questionnaires and surveys administered in public schools.

(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or legal guardian.

(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.

(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.

(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding

- (1) how the questionnaire or survey will be administered to the student;
- (2) how the results of the survey or questionnaire will be used; and
- (3) who will have access to the questionnaire or survey.

(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.

(f) In this section, "questionnaire or survey" means a list of questions to, or information collected from, a class or group of students.

Fred, this is in response to a question you asked me about TISL (Truth-in-sentencing law) --- where is Alaska in it... Don Bullock answered pretty well, and offered more, but I told him to hold off unless we decide to do more with it.

Please send this back (with further instructions) so I can file it under "potential legislation.

Thanks.

wes

Legislative Research Services


Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

State Capitol
Juneau, AK 99801
Phone: 907-465-3991
Fax: 907-465-3908

April 4, 2002

Memorandum

TO: Representative Fred Dyson

FROM: Donald Bullock Jr. 
Legislative Analyst

RE: Truth-in-Sentencing Law in Alaska and Eligibility for Federal Funding
Research Request 02.189

You asked us to report on the attempts in Alaska to pass truth in sentencing legislation and whether federal money is available to states that enact such laws. A "Truth-in-Sentencing Law" (TISL) addresses the criminal sentence imposed by a court and the actual time an offender serves in prison.¹ In general, TISLs require courts to clearly state the period during which an offender would be incarcerated, when the offender would be eligible for parole, and the possibilities for early release. The intent of TISLs is to require courts to order that offenders be incarcerated for a significant portion of their sentences, before being released on probation or parole. Most states with TISLs require offenders to serve 85% of the prison sentence in an institution.²

In order to motivate states to enact TISLs, the federal government offered grants for the building and expansion of state prisons to partially offset the costs of longer periods of incarceration. However, federal funding for prison grants stopped after federal fiscal year 2001 because the Bush administration concluded that the grants had "accomplished their goal of encouraging State 'truth in sentencing' policies."³

The Alaska Truth in Sentencing Act of 1997 requires a minimum term of incarceration that is not less than two-thirds of the total sentence of imprisonment.⁴ Despite the enactment of Alaska's TISL, the State never received federal prison grants, partly because the two-thirds imprisonment requirement was less than the 85% federal standard for grant eligibility.⁵ Federal funding is no longer available; therefore amending Alaska law to require that 85% of a sentence be served would not result in an increase in federal funds to the State.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

¹ Donna Lyons, "Truth in Sentencing," *NCSL LegisBrief*, Vol. 7, No. 21 (April/May 1999), available on the Internet at <http://www.ncsl.org/legis/LBRIEFS/legis721.htm>.

² Paula M. Ditton and Doris James Wilson, "Truth in Sentencing in State Prisons," *Bureau of Justice Statistics, Special Report* (U.S. Dept. of Justice, Bureau of Justice Statistics, January 1999). The report is available on the Internet at <http://www.ojp.usdoj.gov/bjs/pub/pdf/tssp.pdf>.

³ "Analytical Perspectives, Budget of the United States Government, Fiscal Year 2002," *Budget of the United States Government* (Executive Office of the President, 2001), p. 200. This publication is available on the Internet at <http://w3.access.gpo.gov/usbudget/fy2002/pdf/spec.pdf>.

⁴ The Alaska Truth in Sentencing Act of 1997, Chapter 37, SLA 1997, amended AS 12.55.015, AS 12.55.025, and Rule 32.2(e) of the Alaska Rules of Criminal Procedure.

⁵ According to Margot Knuth, Commissioner's Office of the Department of Corrections (465-4338), there were limited exceptions to the 85% federal requirement; however, Alaska never received grant money under this program.

Subject: more HB 408 points

Date: Wed, 17 Apr 2002 23:29:54 -0800

From: Lisa Torkelson <lisa@advanced-design.com>

To: Wes Keller <Wes_Keller@legis.state.ak.us>

Other points I made in HESS (use as you see fit):

1. Kids cannot go on field trips without parent's permission nor can they be given aspirin. Surveys should be no different.
2. There are sources of documented evidence that anonymity does NOT exist when surveying students in school.
3. There is a list of places where hard, reliable data can be gathered and it's not from a student survey.
4. We have been told that the Federal government does not make money contingent on the provision of specific survey data.
5. Federal law also prohibits making the 'sharing of personal data' mandatory when it is tied to grants.
6. Self-reported data is not reliable. The committee sources that can show where students have lied, bragged and played games with their answers. - DATA IS SKEWED BY THE STUDENTS WHO OPT OUT
7. If this bill passes, the school district will stand wide-open for potential lawsuits. And, I can tell you that lawsuits are much more expensive than most grants.
8. Finally, HB 408 **does not limit questions to just those found in the YRBS...**as if those aren't enough to make you pause. There is documented evidence that **any** topic is (and has been) open for discussion within the confines of a survey (race and gender of other family members, family stability, parent income, family extracurricular activities, allowance amounts, who all lives in a particular home, if parents like their kids, and a whole lot more).

(check out questions 41 on in the attachment)

Backup for above:

1)

ASD field trips require parent permission, but nothing is posted for surveys:
<http://www.asd.k12.ak.us/aboutasd/registration.html#fieldtrip>

2)

From: "Carole Nunn" <Caroleanunn@aol.com> (She's the NJ Mom in court)
Date: Mon, 8 Apr 2002 07:40:29 EDT

Anonymity does not exist when surveying students in schools. These surveys ask such specific questions (age, race, grade, sex, if you live with one or both parents, how long you've lived in town, the level of education of your father, of your mother, what grades you get, etc.). I would have no trouble picking out my child's survey out of 2000 surveys. These surveys are given in classes of 20-25 students, thus narrowing down which survey belongs to whom. Kids were saying that they had to hand in their surveys

front-to-back, row-by-row (every teacher has a seating assignment chart). One student at our high school said he was caught changing his race on his survey so the administrator made him go to another room and fill it out correctly. A mother complained that when her child missed the survey on Friday, upon his return to school on Monday, he was made to take the survey while the rest of the class read. Another mother said her son was pulled into the office and questioned about his "alarming" answers on his survey. At one school, the surveys were actually labelled with the students' names. Let's not forget that these surveys have our children's fingerprints all over them. Ridgewood ignored the guidelines for administering the survey in an anonymous and voluntary fashion -- the only guideline they followed was that the students use a #2 pencil! What's to stop another school district like Ridgewood from doing the same thing?

3)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Mon, 8 Apr 2002 07:40:29 EDT

It seems to me that the Feds would want valid, accurate and reliable hard data. This can be found by gathering data from police stations, emergency rooms, drug and rehab centers, planned parenthood, mental health clinics, fire stations, social service agencies, etc. Relying on students to be truthful about their risky behaviors is not the way to go.

4)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Sat, 6 Apr 2002 08:26:28 EST

Testimony was heard from all the state agencies (state attorney general's office, health department, education department, schools boards association, etc.) 'emoaning the fact that they would lose federal funding if they couldn't survey students and get back a high percentage of completed surveys (which would require passive consent because with active consent a low percentage of consent forms come back from the parents). Senator Martin, Chairman of the Senate Education Committee, **demande**d that these state agencies hand over to him letters from the federal agencies stating that federal funds were contingent on survey data. These state agencies could not produce these letters because no federal agency was going to put that in writing. Therefore, Senator Martin considered their testimony invalid.

5)

Federal Law: Title 20 USC 1232i:

(a) Refusal to supply personal data on students or families

Except as provided in section 1232g(b)(1)(D) of this title, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for a denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years. In the case of any dispute arising under this section, reasonable

notice and opportunity for a hearing shall be afforded the applicant.

6)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Mon, 8 Apr 2002 07:40:29 EDT

Firstly, self-reported data is neither valid nor reliable. Kids lie on these surveys -- kids were bragging about how they changed their age, race and sex and then the fun and games began. Studies show that asking teens about their risky behaviors is not the way to seek legitimate survey data.

7)

From: "Carole Nunn" <Caroleanunn@aol.com>

Date: Sat, 6 Apr 2002 08:26:28 EST

Regarding our lawsuit, after two years of court battle, we are just now entering into deposition and discovery. My attorney estimates that his legal bill so far is \$50,000 which means the school district's bill is probably about the same. Now that we are into the deposition and discovery phase, the legal fees are going to soar! Thank God Rutherford Institute is footing the bill. Of course, when (not if) we win the lawsuit, the school district's insurance company will be footing the total bill ... which I imagine will be in the hundreds of thousands.

8)

From: Caroleanunn@aol.com

Date: Sat, 6 Apr 2002 08:26:28 EST


Site related to the Ridgewood, New Jersey case in court

<http://www.geocities.com/ridgewoodschools/school.html>

Also, the United States Justice Foundation lists samples* (in PDF format) that can be downloaded:

<http://www.usjf.net/html/surveys.html>

*I will send these PDF files in a separate e-mail.

 prospectssurvey.pdf	<p>Name: prospectssurvey.pdf Type: Acrobat (application/pdf) Encoding: base64 Download Status: Not downloaded with message</p>
---	--

USJF NOTE: The following is a reproduction of the survey material. The format has been adapted on this page for viewer over the Web. Therefore, it is intended for reference only.

Prospects: The Congressionally-Mandated Study of Educational Growth and Opportunity

Student Questionnaire Grades 6-8

(USJF NOTE: This Questionnaire was also used for Grade 3-5)

Form Approved O.M.B. No. 1875-0044 Expires 12/31/94

Sponsored by: The U.S. Department of Education Office of Policy and Planning Planning and Evaluation Service

Spring 1994

Purpose of the Study

The Prospects study is being conducted For the Office of Policy and Planning of the U S Department of Education. Prospects is a Congressionally-mandated longitudinal study of the impact of Chapter 1 programs on students' academic achievement and other educational and behavioral outcomes. The evaluation will be based upon surveys of nationally representative samples of students attending public schools during the 1990s. The Base Year survey was conducted in 1991; annual follow-up surveys will track students' progress each year through 1996.

This questionnaire should be completed by students enrolled in the 6th through 8th grades who are participating in the study. This questionnaire should take participating students an average of 50 minutes to complete, including the time for instructions and answering all items.

Comments regarding this burden estimate or any other aspect of this data collection, including suggestions for reducing response burden should be addressed to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project, 1875-NEW, Washington, D.C. 20503.

All information that would permit identification of individual respondents will be held in strict confidence, and will be used only by persons engaged in and for the purposes of the survey, and will not be disclosed or released to others for any purpose except as required by law. This survey is authorized by law (P.L. 100-297, Section 1452). While participation in the survey is voluntary, your cooperation is needed to make the results of this study comprehensive, accurate, and timely.

Instructions Directions for filling out this questionnaire are provided with each question. Here are some examples of the different kinds of instructions you will see, and the right way to answer each type of question.
(Mark only one answer)

1. What is the color of your eyes? (Mark only one answer)

Brown Blue Green Another color

If your eyes are green, you would mark only the oval to the right of "Green".

(Mark all that apply) 2. Last week, did you do any or the following things? (Mark all that apply)

See a play Go to a movie Attend a sports event

If you went to a play and a movie, you would mark the first two ovals.

(Mark one answer on each line)

3. Do you plan to do any of the following things next week? (Mark one answer on each line)

Yes No Not Sure

- a. Visit a relative
- b. Go to a museum
- c. Go to a library

(Mark only one answer) with "Other (write in)"

4. What is your favorite sport? (Mark only one answer)

Baseball Tennis Swimming Other (write in)

If your favorite sport is basketball you would print "basketball" in the space as shown, and mark the oval to the right of "Other".

WE HOPE YOU WILL ANSWER EVERY QUESTION THAT APPLIES TO YOU, BUT YOU MAY SKIP ANY QUESTION YOU DO NOT WISH TO ANSWER.

Current School Work

1. Which of the following courses or classes did you take this school year? (Mark one answer for each type of course) Yes No Not Offered

- a. English (including literature, writing, or language arts)
- b. Mathematics
- c. History
- d. Social studies (including government or civics, economics, geography, current events)
- e. Foreign language
- f. Science
- g. Computer education
- h. Art

- i. Music
- j. Home economics
- k. Shop
- l. Typing
- m. Other Technical Courses
- n. Business
- o. Agriculture

2. During this school year, have you done any of these things at school before or after the regular school day?
(Mark one answer on each line)

- a. Instruction in reading
- b. Instruction in math
- c. School sports (softball, tumbling, etc.)
- d. Band or orchestra
- e. Chorus or choir
- f. Acting, singing or dancing in school plays

Grades and Performance

3. During the past semester, what grades have you received in English and mathematics? (For each subject, mark one statement that best describes your grades)

Reading, English, Language Arts Math

- a. Mostly A's (a numerical average of 90-100)
- b. About half A's and half Ws (85-89)
- c. Mostly B's (80-84)
- d. About half B's and half Vs (75-79)
- e. Mostly C's (70-74)
- f. About half C's and half D's (65-69)
- g. Mostly D's (60-64)
- h. Mostly below D (below 60)
- i. Does not apply to me - did not take this course this year
- j. Does not apply to me - my classes are not graded

4. During a typical week, how much writing do you do in school? (Mark only one answer)

- a. I write something almost every day
- b. I write something 3 or 4 times a week
- c. I write something 1 or 2 times a week
- d. I do no writing at all

5. Which of the following kinds or writing activities did you do during a typical week in school this term?
(Mark all that apply)

- a. I did no writing
- b. I completed answers in a workbook
- c. I wrote in my journal

- d. I wrote a short story
- e. I wrote a school report

6. During a typical week, how much writing do you do outside of school? (Mark only one answer)

- a. I write something almost every day
- b. I write something 3 or 4 times a week
- c. I write something 1 or 2 times a week
- d. I do no writing at all

7. Which of the following types of writing did you do outside of school this term? (Mark one answer on each line)

Daily Every Week Every Month Don't Read

- a. I did no writing
- b. I wrote letters
- c. I wrote in my journal
- d. I wrote a short story
- e. I wrote a school report

8. Which statement best describes your ability in mathematics? (Mark only one answer)

- I have a lot of trouble with mathematics and often get things wrong
- I find mathematics hard, but I can do the work OK
- I have an easy time with mathematics and usually get things right
- Not applicable - I am not taking mathematics this term

9. Which statement best describes your current reading ability? (Mark only one answer)

- I have a lot of trouble reading
- I find reading hard, but I can usually read OK
- I am a very good reader

10. Mark whether the following are true or false statements about the way you your English or reading class this term. (Mark one answer on each line)

True False

- a. Class material was difficult to learn
- b. I had trouble keeping up with the homework
- c. The class was fun
- d. I would do much better in English if I had more help

11. If I really work hard in English class... (Mark only one answer)

- I will be one of the best students in English
- I will do OK in English
- I will still not do well in English

12. During a typical week in your English or reading class, how much do you do of each of the following?
(Make one answer on each line)

- a. Listen to lectures
- b. Participate in class discussions
- c. Work in small groups of students
- d. Do seat work

13. Mark whether the following are true or false statements about the way you feel about your mathematics class. (Mark one answer on each line)

True False

- a. Class material was difficult to learn
- b. I had trouble keeping up with the homework
- c. The class was fun
- d. I would do much better in mathematics if I had more help

14. If I really work hard in my mathematics class, (Mark only one answer)

- I will be one of the best students in mathematics
- I will do OK in mathematics
- I will still not do well in mathematics

15. During a typical week in your mathematics class this term, how much do you do each of the following?
(Mark one answer on each line)

Mostly Sometimes Rarely Never

- a. Listen to lectures or view board work the teacher does
- b. Participate in class discussions or doing board work
- c. Work in small groups of students.
- d. Do seat work
- e. Not applicable - not taking mathematics this term

16. During this school year, have you participated in any of the following school activities after the regular school day? (Mark one answer to describe your involvement in each activity) No Yes Not Available

- a. School sports teams (playing against teams from other schools)
- b. Intramural sports (playing against teams from your own school)
- c. Cheerleader, majorette, pep club
- d. Band or orchestra
- e. Chorus, choir or drama club
- f. Hobby clubs, such as photography, model building; electronics, crafts
- g. School subject-matter clubs, such as science, history, language, business, art
- h. Honorary clubs, such as National Honor Society
- i. Student government or student council
- j. Debating or speech team
- k. Student newspaper or yearbook
- l. Vocational education clubs, such as Future Homemakers, Future Teachers, Future Farmers, Future Business Leaders, VICA, or DECA

17. How important to you is participation in school sports or athletics? (Mark only one answer)

Very important Important Not very important Not important at all

School Attendance

18. What were the reasons that you missed any days of school this year? (Mark all that apply)

- a. I did not miss any days of school this year
- b. I was sick
- c. I had to care for a family member
- d. I had to get a job to help my family
- e. I had problems with a teacher or other adult in school
- f. I had problems with another student or group of students
- g. I wanted to spend time with my friends who were not in school
- h. I couldn't keep up with my school work
- i. I felt I didn't belong at school
- j. My English was not good enough
- k. I was traveling

19. How often do you cut or skip classes? (Mark only one answer)

- Never
- Less than once a week
- At least once a week, but not every day
- At least once a day

20. How often do you feel that it is "OK" for you to... (Mark one answer for each line)

Never Really Sometimes Often

- a. Be late for school
- b. Cut a couple of classes
- c. Skip school for the whole day

21. How many times did the following things happen to you during this school year?
(Mark one answer on each line)

Never 1-2 Times 3-4 Times 5+ Times

- a. I helped to monitor halls, cafeteria, or classes
- b. My class work was publicly praised in school
- c. I was sent to the principal's office because I was misbehaving
- d. I was kept after school for detention
- e. I was put on an in-school suspension
- f. I was given an out-of-school suspension
- g. I was put on probation from school

22. During this school year, how many times have any of the following things happened to you? (Mark one answer on each line)

- a. I was given an award for good attendance
- b. I was given an award for my school grades
- c. I served on a committee for a school activity
- d. I represented my school at an event outside school
- e. I was elected as an officer of my class, a school club, or another school organization
- f. I had something stolen from me at school
- g. Someone offered to sell me drugs at school
- h. Someone threatened to hurt me at school

Student Activities Outside of School

23. During this year, have you participated in any of the following activities outside of school, either as a member or as an officer (for example, vice president, coordinator, team captain)? (Mark one answer to describe your involvement in each activity)

Have Not

Have

- a. Scouting
- b. Religious youth groups
- c. Community youth groups, such as Boys' Clubs, Girls' Clubs, 4-H, Junior Achievement
- d. Community team sports
- e. Hobby or special interest clubs
- f. Community service activities or volunteer work

24. How often do you attend or participate in the following? (Mark one answer on each line)

Often

Sometimes

Rarely

Never

- a. Attend religious services
- b. Participate in church or temple-sponsored activities

25. Do you attend classes or take lessons outside of your regular school day to study any of the following? (Mark all that apply)

- a. Art, music or dance lessons
- b. Language lessons
- c. Religious instruction
- d. Computers
- e. Sports, exercise or gymnastics

26. How much reading do you do each week on your own outside of school - not in connection with school work or homework? (Mark only one answer)

None 1 hour or less 2-3 hours

4-5 hours

6 hours or more

27. How often do you read the following types of material outside of school? (Mark one answer on each line)

Daily

Every Week

Every Month

Don't read outside school

- a. Newspapers

- b. Magazines
- c. Novels
- d. Non-fiction books
- e. Comics
- f. Other materials

28. How often do you go to a public library in your town or community (Not in school) (Mark only one answer)

Once a week Once every two weeks Once a month A few times a year Never

29. During the school year, how many hours a day do you usually watch TV on school days — (Monday through Friday)? (Mark only one answer)

I don't watch TV on school days
Less than 1 hour a day 1-2 hours 2-3 hours 3-4 hours 4-5 hours
More than 5 hours a day 3

30. During the school year, how many hours a day do you usually watch TV on weekends (Saturday and Sunday)? (Mark only one answer)

I don't watch TV on weekends
Less than 1 hour a day 1-2 hours 2-3 hours 3-4 hours 4-5 hours
More than 5 hours a day

31. What kinds of television programs do you usually watch? (Mark all that apply)

- a. I don't watch TV
- b. Sports
- c. News
- d. Music Videos
- e. Cartoons
- f. Movies
- g. Weekly TV series
- h. Science or nature programs
- i. Other educational programs

32. Does your teacher ever assign television programs for you to watch at home? Yes No

Including homework you may finish before you leave school, about how much time do you spend on homework each week? (Mark only one answer)

No homework is ever assigned I have homework, but I don't do it
Less than 1 hour a week
1-3 hours a week
4-5 hours a week
6-9 hours a week
10 or more hours

34. About how much of your assigned homework do you usually do? (Mark only one answer)

- No homework is ever assigned
- I don't do any assigned homework
- I do about one-quarter or less of assigned homework
- I do about half of assigned homework
- I do about three-quarters of assigned homework
- I do all of the assigned homework

35. Where do you usually do your homework? (Mark only one answer)

- No homework is ever assigned
- In school, during the school day
- At home
- At a library or another place outside my home

36. How often is your homework graded and returned to you? (Mark only one answer)

- No homework is ever assigned
- Always
- Sometimes
- Rarely
- Never

37. During this school year have you had a paying job (not counting work around the house)? (Mark only one answer) Yes No

38. How many hours do you usually work for pay each week during the school year? (Mark only one answer)

- Between 1 and 4 hours a week
- Between 5 and 14 hours a week
- Between 15 and 20 hours a week
- Over 20 hours a week

40. During the current school year how much time do around your home at jobs you do not get paid for? (Mark only one answer)

- None
- Between 1 and 4 hours a week
- Between 5 and 14 hours a week
- Between 15 and 20 hours a week
- Over 20 hours a week

About Your Family

41. What language do the people in your home speak most of the time? (Mark only one answer)

English

A language other than English

If you or your parents speak another Language other than English at home, answer questions 41a and 41b. If you and your parents speak only English at home, skip to question 42.

41a. How well do you do each of the following? (Mark one answer on each line)

Very Well Pretty Well Not Very Well Not Very Well at All

- a. Understand someone else who is speaking English.
- b. Speak English
- c. Read English
- d. Write English

41b. At what age did you begin to learn English?

Birth to age 1.

Age 2

Age 3

Age 4

Age 5

Age 6

Age 7

Age 8

Age 9

Age 10

42. How many brothers and sisters do you have? Please include any stepbrothers and/or stepsisters, or half brothers or sisters, if they live or have lived in your home. (Mark only one answer)

None One Two Three Four Five Six or more

43. How many of your brothers and sisters have left school without completing their high school diplomas? (Mark only one answer)

None One Two Three More than three

44. Do you have your own room? (Mark only one answer) Yes No

45. Do you have a quiet place to study and do homework? Yes No

Your Family's Involvement in Your Education

46. During this school year, have either of your parents or guardians come to your school for any of the following activities? (Mark one answer for each activity) Yes No Don't Know

- a. Pickup report card

- b. Informal talk with teacher or principal
- c. Visit to your classroom
- d. Volunteered for school projects or trips
- e. Attend school event in which you participated, such as play, sporting event, or concert
- f. To attend a school event with you
- g. Parent-teacher conference

47. Since the beginning of this school year, have either of your parents been contacted about any of the following things? (Mark one answer on each line) Yes No Don't Know

- a. Your grades or tests
- b. Your current courses or school program
- c. Your selection of courses for high school
- d. Your behavior
- e. Your attendance

48. This school year, how often have you discussed the following school-related topics with either or both of your parents or guardians? (Mark one answer for each topic) Often Sometimes Rarely Never

- a. Choosing school classes or programs
- b. School activities or events of interest to you
- c. Things you have studied in class.
- d. Problems you are having with school subjects
- e. Problems with discipline or behavior at school
- f. School attendance problems
- g. Attending college or other schools after high school

49. This school year how often have you discussed the following matters with either or both of your parents or guardians (Mark one answer on each line) Yes No

- a. Holding jobs or earning money
- b. Activities with friends or classmates
- c. Personal problems you may have (boy-girl problems, problems with friends, drug or alcohol problems, etc.)

50. This school year, have you discussed the following topics with an adult relative or adult friend other than your parents? (Mark one answer for each topic) Yes No

- a. Choosing school classes or programs
- b. School activities or events of interest to you
- c. Things you have studied in class
- d. Problems you are having with school subjects
- e. Problems with discipline or behavior at school
- f. Problems with school attendance
- g. Attending college or other schools after high school
- h. Holding jobs or earning money
- i. Activities with friends or classmates
- j. Personal problems you may have (boy-girl problems, problems with friends, drug or alcohol problems, etc.)

51. How often do your parents or guardians do the following things? (Mark one answer on each line)

- a. Help you with your homework
- b. Check to see if you have done your homework
- c. Limit the amount of time you can spend watching television
- d. Limit what friends you associate with
- e. Limit the amount of time you spend away from home

52. How often do you get into trouble at home? (Mark one answer)

Often Sometimes Almost never

53. Are the following statements mostly true of you and your parents or guardians or mostly false? (Mark one answer for each statement)

- a. My parents want me to do well in school
- b. My parents expect me to graduate from high school
- c. I can turn to my parents for help if I have a question or problem
- d. My parents involve me in decisions that affect me
- e. I can turn to my parents for help if I have a personal problem
- f. My parents trust me to do what they expect without checking up on me
- g. I often do not know WHY I am supposed to do what my parents tell me to do
- h. I often count on my parents to solve many of my problems for me

54. Are the following statements mostly true of you and your parents or guardians or mostly false? (Mark one answer for each statement)

True False

- a. My parents think the school I go to is good
- b. My parents feel comfortable talking with my teachers
- c. My parents think my teacher is good

55. Are any of the following people at home when you return from school? (Mark one answer on each line)

- a. Your parents or step-parents
- b. A paid sitter
- c. Other adult relative or neighbor
- d. No one is home

56. Who is home in the morning, while you get ready to go to school? (Mark one answer on each line)

Usually Sometimes Never

- a. Your parents or step-parents
- b. A paid sitter
- c. Other adult relative or neighbor
- d. No one is home

57. On average, how much time do you spend each day after school at home with no adult present? (Mark only one answer)

None, never happens Less than 1 hour 1-2 hours 2-3 hours More than 3 hours

58. Where do you usually go right after school? Do you go home or somewhere else? (Mark only one answer)

- Home
- Friend's house
- Relative's house
- Park, playground, gym
- Lessons: sports, or other activities Somewhere else

59. What do you usually do after school? (Mark all that apply)

- a. Watch television
- b. Care for younger brothers and sisters
- c. Do homework
- d. Get together with friends
- e. Talk on the phone
- f. Cook dinner
- g. Read
- h. Play sports
- i. Play video games
- j. Go shopping
- k. Do chores

60. How often do you do any of the following activities with one or both of your parents, or another adult in your home? (Mark one answer for each line) Often sometimes Rarely Never

- a. Go to the public library
- b. Go to concerts
- c. Go to museums
- d. Go to movies
- e. Go to sports events
- f. Go out to eat
- g. Cook together
- h. Go to their place of work
- i. Play card or board games
- j. Watch TV

61. What did you do last summer? (Mark all that apply)

- a. Went to camp away from home for several nights
- b. Went to a day camp, park, recreation center or gym nearby regularly
- c. Took lessons (swimming, tennis, music, etc.)
- d. Played sports on a team or club
- e. Was required by the school to go to summer school
- f. Went to summer school voluntarily
- g. Worked for pay at a job

62. Do your mother and father know the first names (or nicknames) (Mark one answer for each column)

- A. Father or Male Guardian
- B. Mother or Female Guardian Yes No

63. Do you agree or disagree with the following statements about school? (Mark one answer for each statement) Strongly Agree Agree Disagree Strongly Disagree

- a. I generally like coming to school
- b. I am often bored in school
- c. My education will make a difference in my life

64. How much do you agree with the following statements about your school and teachers? (Mark one answer on each line) Strongly Agree Agree Disagree Strongly Disagree

- a. Most students get along well with teachers
- b. There is real school spirit
- c. Rules for behavior are strict
- d. Discipline is fair
- e. Other students often disrupt class
- f. The teaching is good
- g. Teachers are interested in students
- h. When I work hard on schoolwork, teachers praise my efforts
- i. In class I often feel "put down" by my teacher
- j. In class I often feel "put down" by other students
- k. Most of my teachers really listen to what I have to say
- l. I don't feel safe while I'm in school
- m. I don't feel safe while going to school
- n. Disruptions by other students get in the way of my learning
- o. Misbehaving students often get away with it
- p. Teachers make parents feel welcome in school
- q. Teachers care about what parents think
- r. My teachers are fair

65. Do you agree or disagree with the following statements about yourself? (Mark one answer for each statement) Strongly Agree Agree Disagree Strongly Disagree

- a. I feel good about myself
- b. I don't have enough control over the direction my life is taking
- c. In my life, good luck is more important than hard work for success
- d. I feel I am a person of worth the equal of other people
- e. I am able to do things as well as most other people
- f. Every time I try to get ahead something or somebody stops me
- g. My plans hardly ever work out so planning only makes me unhappy
- h. On the whole, I am satisfied with myself
- i. I certainly feel useless at times

- j. At times I think I am no good at all
- k. When I make plans, I am almost certain I can make them work
- l. I feel I do not have much to be proud of
- m. Chance and luck are very important for what happens in my life

66. How do you think other students in your classes see you? (Mark one answer on each line)

Other students in class see you... Very Somewhat Not at all

- a. As popular
- b. As athletic
- c. As a good student
- d. As important
- e. As a trouble-maker

67. As things stand now, how far in school do you think you will get? (Mark only one answer)

- Won't finish high school
- Will graduate from high school, but won't go any further
- Will go to vocational, trade or business school after high school
- Will complete vocational, trade or business school after high school
- Will attend a 2- or 4-year college but probably won't graduate
- Will graduate from a 2- or 4-year college
- Will attend graduate school after college

68. How far in school do you think your father and mother want you to go?
(Mark one answer for both columns A and B below).

- Less than high school graduation
- Graduate from high school, but not go any further
- Go to vocational, trade or business school after high school
- Complete vocational, trade or business school after high school
- Attend a 2- or 4-year college
- Graduate from a 2- or 4-year college
- Attend a higher level of school after graduating from college
- Don't know

69. Which program do you expect to take in high school? (Mark only one answer)

- College prep, academic or specialized academic (such as science or mathematics)
- Vocational, technical, or business and career
- General high school program
- Other specialized high school (such as Fine Arts)
- Another type of program
- Don't know

70. How often have you talked to the following people about planning your program?

(Mark one answer on each line)

- a. Your father (or male guardian)
- b. Your mother (or female guardian)
- c. A guidance counselor
- d. Teachers
- e. Other adult relatives or friends
- f. Friend

The purpose of this survey is to learn about changes over time in the things that affect your education. For this reason, we need to contact you again in the future. Because people move around a great deal, we are asking you for information that will make it possible to locate you easily. Please be assured that any information that you give us about your family or others will be used only to inquire how we might contact you for future surveys.

For Reference Only

THIS IS A BAD BILL, POORLY WRITTEN, BECAUSE:

1. It removes a shield of protection of personal, private, family affairs. Currently, a school may ask personal questions of a child on an anonymous questionnaire if the parent is properly notified and gives active consent for the school to ask the questions.
2. District autonomy is violated. A school district could no longer choose to require active parental permission for surveys if HB 408 were to pass.
3. Page 2, Line 3ff: "shall provide" This pseudo-requirement was made to be gun-decked! Does posting on a "parents bulletin board" in the school meet the criteria for "provide"?

AS 14.03.110(a)	HB 408 14.03.110(a)	Effect of HB 408
(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or legal guardian.	(a) A school district or an employee of a school district may not administer or permit administration of a questionnaire or survey to a class or student that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation, unless written permission is obtained from the student's parent or legal guardian. This subsection does not apply to a questionnaire or survey that is anonymous.	Changes existing statute to allow 1) <u>anonymous</u> surveys without written permission. 2) It also removes a prohibition of asking questions that inquires into personal or private affairs <u>if the survey is anonymous.</u>
(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.	(b) If a school district administers an anonymous questionnaire or survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though written permission from a student's parent or legal guardian is not required, the school district shall provide each student's parent or legal guardian the opportunity to submit to the school principal a written denial of permission to take the questionnaire or survey.	1) removes the section that allows the school district to get annual permission for anonymous surveys from the parents, and, 2) removes the requirement to notify parents 2 weeks before a survey. 3) adds a requirement that each student's parent shall be provided the <u>opportunity to submit... denial of permission.</u>
(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.	(c) For purposes of (a) and (b) of this section, the school district shall provide a parent or legal guardian at least two weeks' written notice of the right to grant or to deny permission to take the questionnaire or survey before administering the questionnaire or survey.	1) removes the requirement for written permission <u>for non-anonymous surveys,</u> and 2) removes the requirement for a two week notice <u>for non-anonymous surveys.</u> 3) Adds a requirement for at least two weeks written notice of the right to <i>grant or deny permission</i>
(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding (1) how the questionnaire or survey will be administered to the student; (2) how the results of the survey or questionnaire will be used; and (3) who will have access to the questionnaire or survey.	(d) Written notice required to be given to a parent or guardian under this section must include (1) an opportunity to review the questionnaire or survey to be administered; (2) how the questionnaire or survey will be administered to the student; (3) how the results of the questionnaire or survey will be used; (4) who will have access to the questionnaire or survey; (5) how to submit written (A) permission for the student's participation in a questionnaire or survey, if required; or (B) denial of permission to participate in a questionnaire or survey, including an anonymous or specific questionnaire or survey.	No real big change other than to include requirement for directions on how to grant or deny permission. "Written notice" and "opportunity to review" have totally different meanings under the old (b) and (c) compared to the new (b) and (c)
(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.	(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or <u>survey by submitting to the school principal a written denial of permission for the student's participation.</u>	requires <u>the parent</u> to take the initiative to provide written denial of permission

AS 14.03.110(a)	HB 408 14.03.110(a)	Effect of HB 408
(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or legal guardian.	(a) A school district or an employee of a school district may not administer or permit administration of a questionnaire or survey to a class or student that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation, unless written permission is obtained from the student's parent or legal guardian. This subsection does not apply to a questionnaire or survey that is anonymous.	Changes existing statute to allow 1) <u>anonymous</u> surveys without written permission. 2) It also removes a prohibition of asking questions that inquire into personal or private affairs <u>if the survey is anonymous.</u>
(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.	(b) If a school district administers an anonymous questionnaire or survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though written permission from a student's parent or legal guardian is not required, the school district shall provide each student's parent or legal guardian the opportunity to submit to the school principal a written denial of permission to take the questionnaire or survey.	1) removes the section that allows the school district to get annual permission for anonymous surveys from the parents, and, 2) removes the requirement to notify parents 2 weeks before a survey. 3) add a requirement that each student's parent shall be provided the <u>opportunity to submit... denial of permission.</u>
(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.	(c) For purposes of (a) and (b) of this section, the school district shall provide a parent or legal guardian at least two weeks' written notice of the right to grant or to deny permission to take the questionnaire or survey before administering the questionnaire or survey.	1) removes the requirement for written <u>permission for non-anonymous surveys,</u> and 2) removes the requirement for a <u>two week notice for non-anonymous surveys.</u> 3) Adds a requirement for at least two weeks written notice of the right to <u>grant or deny permission</u>
(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding (1) how the questionnaire or survey will be administered to the student; (2) how the results of the survey or questionnaire will be used; and (3) who will have access to the questionnaire or survey.	(d) Written notice required to be given to a parent or guardian under this section must include (1) an opportunity to review the questionnaire or survey to be administered; (2) how the questionnaire or survey will be administered to the student; (3) how the results of the questionnaire or survey will be used; (4) who will have access to the questionnaire or survey; (5) how to submit written (A) permission for the student's participation in a questionnaire or survey, if required; or (B) denial of permission to participate in a questionnaire or survey, including an anonymous or specific questionnaire or survey.	No real big change other than to include requirement for directions on how to grant or deny permission. "Written notice" and "opportunity to review" have totally different meanings under the old (b) and (c) compared to the new (b) and (c)
(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.	(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey by <u>submitting to the school principal a written denial of permission for the student's participation.</u>	requires <u>the parent</u> to take the initiative to provide written denial of permission

CS FOR HOUSE BILL NO. 408(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/11/02

Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON EDUCATION

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to questionnaires and surveys administered in the public schools."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 14.03.110(a) is repealed and reenacted to read:

4 (a) A school district or an employee of a school district may not administer or
5 permit administration of a questionnaire or survey to a class or student that inquires
6 into personal or private family affairs of the student not a matter of public record or
7 subject to public observation, unless written permission is obtained from the student's
8 parent or legal guardian. This subsection does not apply to a questionnaire or survey
9 that is anonymous.

10 *** Sec. 2.** AS 14.03.110(b) is repealed and reenacted to read:

11 (b) If a school district administers an anonymous questionnaire or survey that
12 inquires into personal or private family affairs of a student not a matter of public
13 record or subject to public observation, even though written permission from a
14 student's parent or legal guardian is not required, the school district shall provide each
15 student's parent or legal guardian the opportunity to submit to the school principal a

1 written denial of permission to take the questionnaire or survey.

2 * Sec. 3. AS 14.03.110(c) is repealed and reenacted to read:

3 (c) For purposes of (a) and (b) of this section, the school district shall provide
4 a parent or legal guardian at least two weeks' written notice of the right to grant or to
5 deny permission to take the questionnaire or survey before administering the
6 questionnaire or survey.

7 * Sec. 4. AS 14.03.110(d) is repealed and reenacted to read:

8 (d) Written notice required to be given to a parent or guardian under this
9 section must include

10 (1) an opportunity to review the questionnaire or survey to be
11 administered;

12 (2) how the questionnaire or survey will be administered to the
13 student;

14 (3) how the results of the questionnaire or survey will be used;

15 (4) who will have access to the questionnaire or survey;

16 (5) how to submit written

17 (A) permission for the student's participation in a questionnaire
18 or survey, if required; or

19 (B) denial of permission to participate in a questionnaire or
20 survey, including an anonymous or specific questionnaire or survey.

21 * Sec. 5. AS 14.03.110(e) is amended to read:

22 (e) A student may refuse to participate in a questionnaire or survey
23 administered in a public school. A student's parent or legal guardian may refuse to
24 allow the student to participate in a specified questionnaire or survey **by submitting to**
25 **the school principal a written denial of permission for the student's participation.**

THIS IS A BAD BILL, POORLY WRITTEN, BECAUSE:

1. It removes a shield of protection of personal, private, family affairs. Currently, a school may ask personal questions of a child on an anonymous questionnaire if the parent is properly notified and gives active consent for the school to ask the questions.
2. District autonomy is violated. A school district could no longer choose to require active parental permission for surveys if HB 408 were to pass.
3. Page 2, Line 3ff: "shall provide" This pseudo-requirement was made to be gun-decked! Does posting on a "parents bulletin board" in the school meet the criteria for "provide"?

Amendment # 1: Page 1, line 7 Delete [THAT IS ANONYMOUS OR]

Rational: Anonymity does not exist when surveying students in schools!

These surveys ask such specific questions (age, race, grade, sex, if you live with one or both parents, how long you've lived in town, the level of education of your father, of your mother, what grades you get, etc.). I would have no trouble picking out my child's survey out of 2000 surveys. These surveys are given in classes of 20-25 students, thus narrowing down which survey belongs to whom. Kids were saying that they had to hand in their surveys front-to-back, row-by-row (every teacher has a seating assignment chart). One student at our high school said he was caught changing his race on his survey so the administrator made him go to another room and fill it out correctly. A mother complained that when her child missed the survey on Friday, upon his return to school on Monday, he was made to take the survey while the rest of the class read. Another mother said her son was pulled into the office and questioned about his "alarming" answers on his survey. At one school, the surveys were actually labelled with the students' names. Let's not forget that these surveys have our children's fingerprints all over them. Ridgewood ignored the guidelines for administering the survey in an anonymous and voluntary fashion -- the only guideline they followed was that the students use a #2 pencil! What's to stop another school district like Ridgewood from doing the same thing?

Amendment # 2: Delete Section 2 (Page 1, lines 9-14)

Rational: Same as # 1. Because Anonymity does not exist when surveying students in schools!, This section would allow anonymous surveys unless a parent specifically denies permission for them.

Amendment # 3 Page 2, Line 4 Add a new sentence that reads: Written notice will be sent by US Mail, addressed to the students parent or legal guardian, postmarked no less than 21 days before a questionnaire or survey is administered.

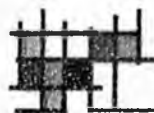
Rational: Existing law requires that permission be obtained not two weeks prior... this is consistent with existing law. Use of Mail is important because any number of things could be considered to be "providing written notice".



Adolescent and School Health

YRBSS

- [Current Results](#)
- [Questionnaire](#)
- [Item Rationale](#)
- [Youth Risk Behavior Trends](#)
- [Data and Documentation](#)
- [Youth '99 Online](#)
- [Previous Results](#)



YRBSS

Youth Risk Behavior Surveillance System

2001 Youth Risk Behavior Survey

The following is a reproduction of the YRBSS Survey Questionnaire material. The format has been adapted for presentation on this Web page. Therefore, it is intended for reference only.

Research and Evaluation

- [YRBSS](#)
- [SHPPS](#)
- [Coordinated School Health](#)
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Adolescent and School Health

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This survey is about health behavior. It has been developed so you can tell us what you do that may affect your health. The information you give will be used to develop better health education for young people like yourself.

DO NOT write your name on this survey. The answers you give will be kept private. No one will know what you write. Answer the questions based on what you really do.

Completing the survey is voluntary. Whether or not you answer the questions will not affect your grade in this class. If you are not comfortable answering a question, just leave it blank.

The questions that ask about your background will be used only to describe the types of students completing this survey. The information will not be used to find out your name. No names will ever be reported.

Make sure to read every question. Fill in the ovals completely. When you are finished, follow the instructions of the person giving you the survey.

Thank you very much for your help.

Directions

- Use a #2 pencil only.
- Make dark marks.
- Fill in a response like this: A B C D.
- To change your answer, erase completely.

1. How old are you?

- A. 12 years old or younger
- B. 13 years old
- C. 14 years old
- D. 15 years old
- E. 16 years old
- F. 17 years old
- G. 18 years old or older

2. What is your sex?

- A. Female
- B. Male

3. In what grade are you?

- A. 9th grade
- B. 10th grade
- C. 11th grade
- D. 12th grade
- E. Ungraded or other grade

4. How do you describe yourself? (Select one or more responses.)

- A. American Indian or Alaska Native
- B. Asian
- C. Black or African American
- D. Hispanic or Latino
- E. Native Hawaiian or Other Pacific Islander
- F. White

5. During the past 12 months, how would you describe your grades in school?

- A. Mostly A's
- B. Mostly B's
- C. Mostly C's
- D. Mostly D's
- E. Mostly F's
- F. None of these grades
- G. Not sure

6. How tall are you without your shoes on?

Directions: Write your height in the shaded blank boxes. Fill in the matching oval below each number.

Example

Height	
Feet	Inches
5	7
3	0
4	1
>5<	2
6	3
7	4
	5
	6
	>7<
	8
	9
	10
	11

Height	
Feet	Inches
3	0
4	1
5	2
6	3
7	4
	5
	6
	7
	8
	9
	10
	11

7. How much do you weigh without your shoes on?

Directions: Write your weight in the shaded blank boxes. Fill in the matching oval below each number.

Example

Weight		
Pounds		
1	5	2
0	0	0
>1<	1	1
2	2	>2<
3	3	3
	4	4
	>5<	5
	6	6
	7	7
	8	8
	9	9

Weight		
Pounds		
0	0	0
1	1	1
2	2	2
3	3	3
	4	4
	5	5
	6	6
	7	7
	8	8
	9	9

The next 5 questions ask about personal safety.

8. **When you rode a motorcycle** during the past 12 months, how often did you wear a helmet?

- A. I did not ride a motorcycle during the past 12 months
- B. Never wore a helmet
- C. Rarely wore a helmet
- D. Sometimes wore a helmet
- E. Most of the time wore a helmet
- F. Always wore a helmet

9. **When you rode a bicycle** during the past 12 months, how often did you wear a helmet?

- A. I did not ride a bicycle during the past 12 months
- B. Never wore a helmet
- C. Rarely wore a helmet
- D. Sometimes wore a helmet
- E. Most of the time wore a helmet
- F. Always wore a helmet

10. How often do you wear a seat belt when **riding in** a car driven by someone else?

- A. Never
- B. Rarely
- C. Sometimes
- D. Most of the time
- E. Always

11. During the past 30 days, how many times did you **ride** in a car or other vehicle **driven by someone who had been drinking alcohol**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

12. During the past 30 days, how many times did you **drive** a car or other vehicle **when you had been drinking alcohol**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

The next 10 questions ask about violence-related behaviors.

13. During the past 30 days, on how many days did you carry a **weapon** such as a gun, knife, or club?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

14. During the past 30 days, on how many days did you carry a **gun**?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

15. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club **on school property**?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

16. During the past 30 days, on how many days did you **not** go to school because you felt you would be unsafe at school or on your way to or from school?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

17. During the past 12 months, how many times has someone threatened or injured you with a weapon such as a gun, knife, or club **on school property**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or 7 times
- F. 8 or 9 times
- G. 10 or 11 times
- H. 12 or more times

18. During the past 12 months, how many times were you in a physical fight?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or 7 times
- F. 8 or 9 times
- G. 10 or 11 times
- H. 12 or more times

19. During the past 12 months, how many times were you in a physical fight in which you were injured and had to be treated by a doctor or nurse?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

20. During the past 12 months, how many times were you in a physical fight **on school property**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or 7 times
- F. 8 or 9 times
- G. 10 or 11 times
- H. 12 or more times

21. During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?

- A. Yes
- B. No

22. Have you ever been physically forced to have sexual intercourse when you did not want to?

- A. Yes
- B. No

The next 5 questions ask about sad feelings and attempted suicide. Sometimes people feel so depressed about the future that they may consider attempting suicide, that is, taking some action to end their own life.

23. During the past 12 months, did you ever feel so sad or hopeless almost every day for **two weeks or more in a row** that you stopped doing some usual activities.

- A. Yes
- B. No

24. During the past 12 months, did you ever **seriously** consider attempting suicide?

- A. Yes
- B. No

25. During the past 12 months, did you make a plan about how you would attempt suicide?

- A. Yes
- B. No

26. During the past 12 months, how many times did you actually attempt suicide?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

27. **If you attempted suicide** during the past 12 months, did any attempt result in an injury, poisoning, or overdose that had to be treated by a doctor or nurse?

- A. **I did not attempt suicide** during the past 12 months
- B. Yes
- C. No

The next 12 questions ask about tobacco use.

28. Have you ever tried cigarette smoking, even one or two puffs?

- A. Yes
- B. No

29. How old were you when you smoked a whole cigarette for the first time?

- A. I have never smoked a whole cigarette
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

30. During the past 30 days, on how many days did you smoke cigarettes?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

31. During the past 30 days, on the days you smoked, how many cigarettes did you smoke **per day**?

- A. I did not smoke cigarettes during the past 30 days
- B. Less than 1 cigarette per day
- C. 1 cigarette per day
- D. 2 to 5 cigarettes per day
- E. 6 to 10 cigarettes per day
- F. 11 to 20 cigarettes per day
- G. More than 20 cigarettes per day

32. During the past 30 days, how did you **usually** get your own cigarettes? (Select only **one** response.)

- A. I did not smoke cigarettes during the past 30 days
- B. I bought them in a store such as a convenience store, supermarket, discount store, or gas station
- C. I bought them from a vending machine
- D. I gave someone else money to buy them for me
- E. I borrowed (or bummed) them from someone else
- F. A person 18 years or older gave them to me
- G. I took them from a store or family member
- H. I got them some other way

33. **When you bought or tried to buy cigarettes** in a store during the past 30 days, were you ever asked to show proof of age?

- A. I did not try to buy cigarettes in a store during the past 30 days
- B. Yes, I was asked to show proof of age
- C. No, I was **not** asked to show proof of age

34. During the past 30 days, on how many days did you smoke cigarettes **on school property**?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

35. Have you ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days?

- A. Yes
- B. No

36. During the past 12 months, did you ever try **to quit** smoking cigarettes?

- A. I did not smoke during the past 12 months
- B. Yes
- C. No

37. During the past 30 days, on how many days did you use **chewing tobacco, snuff, or dip**, such as Redman, Levi Garrett, Beechnut, Skoal, Skoal Bandits, or Copenhagen?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

38. During the past 30 days, on how many days did you use **chewing tobacco, snuff, or dip on school property?**

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

39. During the past 30 days, on how many days did you smoke **cigars, cigarillos, or little cigars?**

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

The next 5 questions ask about drinking alcohol. This includes drinking beer, wine, wine coolers, and liquor such as rum, gin, vodka, or whiskey. For these questions, drinking alcohol does not include drinking a few sips of wine for religious purposes.

40. During your life, on how many days have you had at least one drink of alcohol?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 9 days
- D. 10 to 19 days
- E. 20 to 39 days
- F. 40 to 99 days

G. 100 or more days

41. How old were you when you had your first drink of alcohol other than a few sips?

- A. I have never had a drink of alcohol other than a few sips
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

42. During the past 30 days, on how many days did you have at least one drink of alcohol?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

43. During the past 30 days, on how many days did you have 5 or more drinks of alcohol in a row, that is, within a couple of hours?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 to 5 days
- E. 6 to 9 days
- F. 10 to 19 days
- G. 20 or more days

44. During the past 30 days, on how many days did you have at least one drink of alcohol **on school property**?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

The next 4 questions ask about marijuana use. Marijuana also is called grass or pot.

45. During your life, how many times have you used marijuana?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times

- E. 20 to 39 times
- F. 40 to 99 times
- G. 100 or more times

46. How old were you when you tried marijuana for the first time?

- A. I have never tried marijuana
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

47. During the past 30 days, how many times did you use marijuana?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

48. During the past 30 days, how many times did you use marijuana **on school property**?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

The next 9 questions ask about cocaine and other drugs.

49. During your life, how many times have you used **any** form of cocaine, including powder, crack, or freebase?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

50. During the past 30 days, how many times did you use **any** form of cocaine, including powder, crack, or freebase?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

51. During your life, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

52. During the past 30 days, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

53. During your life, how many times have you used **heroin** (also called smack, junk, or China White)?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

54. During your life, how many times have you used **methamphetamines** (also called speed, crystal, crank, or ice)?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

55. During your life, how many times have you taken **steroid pills or shots** without a doctor's prescription?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

56. During your life, how many times have you used a needle to inject any **illegal** drug into your body?

- A. 0 times
- B. 1 time
- C. 2 or more times

57. During the past 12 months, has anyone offered, sold, or given you an illegal drug **on school property**?

- A. Yes
- B. No

The next 8 questions ask about sexual behavior.

58. Have you ever had sexual intercourse?

- A. Yes
- B. No

59. How old were you when you had sexual intercourse for the first time?

- A. I have never had sexual intercourse
- B. 11 years old or younger
- C. 12 years old
- D. 13 years old
- E. 14 years old
- F. 15 years old
- G. 16 years old
- H. 17 years old or older

60. During your life, with how many people have you had sexual intercourse?

- A. I have never had sexual intercourse
- B. 1 person
- C. 2 people
- D. 3 people
- E. 4 people
- F. 5 people
- G. 6 or more people

61. During the past 3 months, with how many people did you have sexual intercourse?

- A. I have never had sexual intercourse
- B. I have had sexual intercourse, but not during the past 3 months
- C. 1 person
- D. 2 people
- E. 3 people
- F. 4 people
- G. 5 people
- H. 6 or more people

62. Did you drink alcohol or use drugs before you had sexual intercourse the **last time**?

- A. I have never had sexual intercourse
- B. Yes
- C. No

63. The **last time** you had sexual intercourse, did you or your

partner use a condom?

- A. I have never had sexual intercourse
- B. Yes
- C. No

64. The **last time** you had sexual intercourse, what **one** method did you or your partner use to **prevent pregnancy**? (Select only **one** response.)

- A. I have never had sexual intercourse
- B. No method was used to prevent pregnancy
- C. Birth control pills
- D. Condoms
- E. Depo-Provera (injectable birth control)
- F. Withdrawal
- G. Some other method
- H. Not sure

65. How many times have you been pregnant or gotten someone pregnant?

- A. 0 times
- B. 1 time
- C. 2 or more times
- D. Not sure

The next 7 questions ask about body weight.

66. How do **you** describe your weight?

- A. Very underweight
- B. Slightly underweight
- C. About the right weight
- D. Slightly overweight
- E. Very overweight

67. Which of the following are you trying to do about your weight?

- A. **Lose** weight
- B. **Gain** weight
- C. **Stay** the same weight
- D. I am **not trying to do anything** about my weight

68. During the past 30 days, did you **exercise** to lose weight or to keep from gaining weight?

- A. Yes
- B. No

69. During the past 30 days, did you **eat less food, fewer calories, or foods low in fat** to lose weight or to keep from gaining weight?

- A. Yes
- B. No

70. During the past 30 days, did you **go without eating for 24 hours or more** (also called fasting) to lose weight or to keep from gaining weight?

- A. Yes
- B. No

71. During the past 30 days, did you **take any diet pills, powders, or liquids** without a doctor's advice to lose weight or to keep from gaining weight? (Do **not** include meal replacement products such as Slim Fast.)

- A. Yes
- B. No

72. During the past 30 days, did you **vomit or take laxatives** to lose weight or to keep from gaining weight?

- A. Yes
- B. No

The next 7 questions ask about food you ate or drank during the past 7 days. Think about all the meals and snacks you had from the time you got up until you went to bed. Be sure to include food you ate at home, at school, at restaurants, or anywhere else.

73. During the past 7 days, how many times did you drink **100% fruit juices** such as orange juice, apple juice, or grape juice? (Do **not** count punch, Kool-Aid, sports drinks, or other fruit-flavored drinks.)

- A. I did not drink 100% fruit juice during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

74. During the past 7 days, how many times did you eat **fruit**? (Do **not** count fruit juice.)

- A. I did not eat fruit during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

75. During the past 7 days, how many times did you eat **green salad**?

- A. I did not eat green salad during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days

- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

76. During the past 7 days, how many times did you eat **potatoes**? (Do **not** count french fries, fried potatoes, or potato chips.)

- A. I did not eat potatoes during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

77. During the past 7 days, how many times did you eat **carrots**?

- A. I did not eat carrots during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

78. During the past 7 days, how many times did you eat **other vegetables**? (Do **not** count green salad, potatoes, or carrots.)

- A. I did not eat other vegetables during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

79. During the past 7 days, how many **glasses of milk** did you drink? (Include the milk you drank in a glass or cup, from a carton, or with cereal. Count the half pint of milk served at school as equal to one glass.)

- A. I did not drink milk during the past 7 days
- B. 1 to 3 glasses during the past 7 days
- C. 4 to 6 glasses during the past 7 days
- D. 1 glass per day
- E. 2 glasses per day
- F. 3 glasses per day
- G. 4 or more glasses per day

The next 7 questions ask about physical activity.

80. On how many of the past 7 days did you exercise or participate in physical activity for **at least 20 minutes that made you sweat and breathe hard**, such as basketball,

soccer, running, swimming laps, fast bicycling, fast dancing, or similar aerobic activities?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days
- F. 5 days
- G. 6 days
- H. 7 days

81. On how many of the past 7 days did you participate in physical activity for **at least 30 minutes** that did **not** make you sweat or breathe hard, such as fast walking, slow bicycling, skating, pushing a lawn mower, or mopping floors?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days
- F. 5 days
- G. 6 days
- H. 7 days

82. On how many of the past 7 days did you do exercises to **strengthen or tone your muscles**, such as push-ups, sit-ups, or weight lifting?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days
- F. 5 days
- G. 6 days
- H. 7 days

83. On an average school day, how many hours do you watch TV?

- A. I do not watch TV on an average school day
- B. Less than 1 hour per day
- C. 1 hour per day
- D. 2 hours per day
- E. 3 hours per day
- F. 4 hours per day
- G. 5 or more hours per day

84. In an average week when you are in school, on how many days do you go to physical education (PE) classes?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days

F. 5 days

85. During an average physical education (PE) class, how many minutes do you spend actually exercising or playing sports?

- A. I do not take PE
- B. Less than 10 minutes
- C. 10 to 20 minutes
- D. 21 to 30 minutes
- E. 31 to 40 minutes
- F. 41 to 50 minutes
- G. 51 to 60 minutes
- H. More than 60 minutes

86. During the past 12 months, on how many sports teams did you play? (Include any teams run by your school or community groups.)

- A. 0 teams
- B. 1 team
- C. 2 teams
- D. 3 or more teams

The next question asks about AIDS education.

87. Have you ever been taught about AIDS or HIV infection in school?

- A. Yes
- B. No
- C. Not sure

This is the end of the survey.

Thank you very much for your help.


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STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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April 17, 2002

Honorable Fred Dyson
House of Representatives
State Capitol – Room 104
Juneau, AK 99801-1182

COPY

Re: House HES committee hearing on HB 408

Dear Representative Dyson:

I. Introduction

Two issues arose during the hearing in the House HES committee on HB 408, held on April 11, 2002 which require some further clarification. Those issues are:

A. What are the consequences for teachers and other school district employees who disregard the anonymity and confidentiality protections contained in HB 408 if passed?

and

B. What is the effect of the case referred to as the "New Jersey case" on Alaska law governing student surveys?

II. Short Answer

A. The consequences for teachers and other school district employees who disregard the protections for students and families in HB 408 include employee discipline and, for certified teaching staff, the potential for a finding of an ethical or teaching practices violation by the Professional Teaching Practices Commission (PTPC) resulting in the potential for revocation or suspension of the certificate in certain circumstances. In addition a public servant may be charged with a misdemeanor crime under AS 11.56.860.

B. In the New Jersey case, *C.N. et al. v. Ridgewood Board of Education*, an appeals court remanded the case back to the trial court for further evidence of the voluntary nature of a student survey the trial court found to be voluntary without a trial. The New Jersey appeals court did not dispute or change the trial court's legal conclusion that the federal written parental consent provision would not apply to a voluntary and

anonymous survey. While this case serves as a guideline in reviewing student survey procedures it does not serve as legal precedent in Alaska and is not relevant to a voluntary survey as described in HB 408.

III. Analysis

A. Staff Consequences

The legislature has previously provided for both employee and certification consequences if a teacher or other staff member fails to follow the requirements contained in HB 408 if passed into law. In addition, a person who is or has been a public servant may be charged with a Class A misdemeanor for misuse of confidential information as defined in AS 11.56.860.

Under current Alaska law two governing bodies are responsible for ensuring compliance with applicable rules by the certificated staff of a school district. First, the school district is authorized to dismiss a teacher, even if tenured, for substantial noncompliance with the school laws of the state (including AS 14.03.110) the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent under AS 14.20.170(a)(3). A teacher is defined to include all certified school staff. A teacher who has not acquired tenure rights is subject to nonretention for the school year following the expiration of the teacher's contract for any cause that the district determines to be adequate under AS 14.20.175.

Second, disciplinary action may be imposed by the Professional Teaching Practices Commission (PTPC) if a school district did not act to address a violation of a school law such as HB 408. The PTPC may revoke or suspend a teaching certificate if a teacher fails to comply substantially with the school laws of the state or if the PTPC determines that there has been a violation of ethical or professional standards under AS 14.20.030 including a violation of an ethical standard. The ethical standards include a requirement that teachers "keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law" under 4 AAC 10.020(8).

In addition, a public servant may be charged with a Class A misdemeanor for the crime of misuse of confidential information if the person (1) learns confidential information through employment as a public servant and (2) while in office or after leaving office, uses the confidential information for personal gain or in a manner not connected with the performance of official duties other than by giving sworn testimony or evidence in a legal proceeding in conformance with a court order. This crime as well

as the employee and teaching practices standards appear to be adequate protections for students and families fearful of an unauthorized breach of confidentiality in connection with the administration of a voluntary and anonymous survey.¹

B. The Effect of the New Jersey Case in Alaska

Hearing testimony before the committee on HB 408 included references to a New Jersey case that challenged the administration of a student survey in that state under federal law. A federal trial court had determined prior to trial that the specific student survey had not violated statutory or constitutional requirements because it was anonymous and voluntary. An appeals court then reversed the decision because the district court had not permitted adequate discovery before reaching its summary conclusion.

The U.S. Court of Appeals for the 3rd Circuit decision has resulted in some confusion about its applicability to HB 408. The restrictions placed on student surveys by the Protection of Pupil Rights Amendment (P.P.R.A.), 20 U.S.C. 1232h provide that parental consent must be secured prior to requiring participation of a student in a survey if the survey addresses certain subjects. In *C.N. et al. v. Ridgewood Board of Education*, No. 01-1637 (Dec. 10, 2001) the appeals court reversed and remanded the case not because there was a particular problem with the survey but because the lower court's decision was reached by summary judgment without adequate discovery. The court remanded the case because discovery had not been permitted by the court to determine whether the students were adequately informed that the survey was "voluntary and anonymous" or whether the students were required to take the survey. (The other consideration upon remand will be that, if the survey was required, was the required participation in compliance with board policy to determine whether the board is immune from suit.)

The district court case, *C.N. et al. v. Ridgewood Board of Education*, 146 F.Supp.2d 528 (D.N.J. 2001) had dismissed the matter without trial on a determination that, under the PPRA, if the survey was "voluntary and anonymous" the PPRA was not applicable and written parental consent was not necessary. The ruling of the appeals court does not affect that legal analysis. Thus the case does not have a bearing on the current state law or the proposed changes in HB 408.

¹ In addition to the consequences described, a case pending before the United States Supreme Court, *Gonzaga University v. Doe* (Case No. 01-679), will decide whether parents or students have individual rights under the Family Education Records Privacy Act, that can be enforced through federal civil rights lawsuits. It is unclear, however, whether an anonymous survey falls within this federal act.

Honorable Fred Dyson
House of Representatives

April 17, 2002
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While these cases serve as a guideline in reviewing student survey procedures it does not serve as legal precedent in Alaska and is not relevant to a voluntary survey as described in HB 408.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:


Jean Mischel

Assistant Attorney General

JM:ebc

cc: Rep. Peggy Wilson
Rep. John Coghill
Rep. Vic Kohring
Rep. Gary Stevens
Rep. Sharon Cissna
Rep. Reggie Joule
Elmer Lindstrom, Deputy Commissioner, Dep't of Health & Social Services
Teri Campbell, Legislative Liaison, Dep't of Education & Early Development

Subject: Anchorage PTA on HB 408

Date: Wed, 24 Apr 2002 13:00:36 -0800

From: "Jessica Paris" <parisj@mail.jsd.k12.ak.us>

To: Representative_Fred_Dyson@legis.state.ak.us

>Status: U
>To: parisj@jsd.k12.ak.us
>Date: Wed, 17 Apr 2002 15:31:17 -0400
>Subject: Re: HB 408
>MIME-Version: 1.0
>X-Juno-Line-Breaks: 0,5-9
>X-Juno-Att: 0
>X-Juno-RefParts: 0
>From: Rebecca A OHara <rebohara@juno.com>

>
>Jessica,
>Thank you for contacting me. The Anchorage Council of PTAs supports
>passive permission. However, we are concerned that School Districts take
>their responsibility seriously to alert parents of where, when, and what
>kind of surveys will be given to their children at school. I have
>alerting HESS Committee members of our position.
>Sincerely,
>Rebecca O'Hara
>Vice President, Legislation
>Anchorage Council of PTAs
>
>