

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 86/2

10225 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 10

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

[Top] | [Next]

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

[\[Top\]](#) | [\[Next\]](#)

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" <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: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
 President
Bunny Schaeffer
 1st VP, Leadership
Janice Loudon
 2nd VP, Membership
Betsy Turner-Bogren
 3rd VP, Legislative

 4th VP, Programs
Kim Schaeffer
 Secretary
Luan Sitzmann
 Treasurer
 Warren Johnson
 Region I VP
 Meg Nordale
 Region II VP
 Sharon Lilja
 Region III VP
 Ginger Jenkinson
 Region IV VP
 Robyn Cassidy
 Region V VP
 Darlene Thornton
 Region VI VP
 Ginger Jenkinson
 Anchorage Council President
Meg Nordale
 Fairbanks Council President
Roger McDonald
 Ketchikan Council President
Cheryl Turner
 Mat/Su Council President
Dee Hubbard
 Bylaws
Peggy Brown
 Health & Safety
Pat Blakney
 Convention Chair
Rena McFarlane
 Arts Education
Gail Wilson-Phillips
 Technology
Nancy Eberle
 Secondary Exit Exam
 Phi Delta Kappa Grant
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

This is a WorldNetDaily printer-friendly version of the article which follows.
To view this item online, visit http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=26208

WorldNetDaily™

Saturday, January 26, 2002

ELLEN MAKKAI
HEART OF THE MATTER



Schools snoop for scandal

By Ellen Makkai

© 2002 WorldNetDaily.com

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

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.

This is a WorldNetDaily printer-friendly version of the article which follows.
To view this item online, visit http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=26208

WorldNetDaily™

Saturday, January 26, 2002

ELLEN MAKKAI
HEART OF THE MATTER



Schools snoop for scandal

By Ellen Makkai

© 2002 WorldNetDaily.com

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)

LAW SUITS -

[Search USC](#), [About Database](#), [Download USC](#), [Classification Tables](#), [Codification](#)



Go to 1st query term(s)

-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-

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

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).''



[Search USC](#), [About Database](#), [Download USC](#), [Classification Tables](#), [Codification](#)

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

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 household, 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.D.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. MIDDAGH 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. MIDDAGH 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. MIDDAGH 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. MIDDAGH 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. MIDDAGH 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. MIDDAGH 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. MIDDAGH 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



[TO REPORT PROBLEMS WITH BASIS INQUIRY](#)

[LIVE KTOO STREAMS](#)



[Return to Basis Main Menu \(21 Legislature\)](#)

[Return to Legislature Home Page](#)

FRED -

HB 408 - Surveys.

Which of this would you
like me to pass out to
HESS members? Please Mark.

Jason.

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.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska

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	Name: prospectssurvey.pdf Type: Acrobat (application/pdf) Encoding: base64 Download Status: Not downloaded with message
---	--

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)