Parents Win Victory Over Nosy Surveys

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Parents have just won a tremendous legal victory over the widespread public school practice of forcing students to answer nosy, privacy-invading questions about themselves and their families. The U.S. District Court in San Antonio, Texas, has signed the final order of judgment in a class action case against the San Antonio Independent School District (SAISD) brought by parents, who were represented by the Texas Justice Foundation (www.txjf.org).

The wide-reaching order is of landmark and nationwide importance. For many years, parents have objected to the way that schools force students to respond to nonacademic questionnaires intruding on pupil and family privacy and involving matters that are none of the school's business.

Parents also object to the way that the so-called therapeutic classroom is crowding out academics and basic skills. Schoolchildren are routinely subjected, not only to intrusive, depressing surveys, but also to psychological and attitudinal exams and guidance counseling, usually without parental knowledge or consent.

The case called Lisa T. v. SAISD began when 10-year-old Melissa's mother voiced her objections to the Hillcrest Elementary School about sex education, death and suicide education, and the lack of academic instruction. Lisa T.'s daughter tested three years below grade level and her son tested four years below grade level as a result of being taught about UFOs, the Bermuda Triangle, how to embalm, etc., instead of spelling and math.

Complaints to the superintendent and the school board got Lisa T. nothing but harassment of Melissa, who was subjected to interrogations about "what her mother was up to." The SAISD then administered intrusive, psychological surveys to students at Jefferson High School, delving into the feelings and emotions and invading their personal privacy and family relationships.

Teachers assured students that their survey responses would remain confidential even from parents. Concurrently, the school conducted daily classes that gave comprehensive group guidance counseling, without parental preview or consent, and without respecting the conscience or convictions of the parents or students.

Here are samples from the nosy questionnaires. "What do you consider to be the best thing about your home and the worst? How do you get along at home? If you could change one thing about your family, what would it be and why?"

More depressing questions from the SAISD's surveys included: "What's the thing you need most that you are not getting from your family? Has anybody close to you died in the last year or so? Do you ever wish you were a boy or a girl instead of what you are? What things do you worry about?"

Another question reveals the dramatic curriculum changes that have taken place in the public schools: "Select the group counseling sessions you would like to participate in: Managing Anger; Parent/Teen Conflict; Coping with Stress; Interpersonal Relationship; Grief/Loss; Study Skills; Other."

The court's order in the Lisa T. case requires the school district henceforth to obtain parental consent for all guidance counseling, psychological exams, and intrusive surveys. The consent forms must notify parents if the surveys include controversial topics such as political affiliations, sexual behavior and attitudes, or requests for privileged information, including potentially embarrassing mental and psychological problems.

SAISD shredded all its objectionable intrusive surveys in the presence of parent representatives. Parents were notified that they could review their own children's questionnaires prior to the shredding.

SAISD will establish a new district-wide committee of parents and school staff to review possibly-intrusive surveys prior to submitting them for approval or rejection by the school board and before asking for parental consent. The district will give employees in-service training on state and federal parental rights and instruct them that they may not retaliate, intimidate, interrogate, or harass students or parents who are exercising their rights.

This Texas case is the latest chapter in a long-running battle against nosy surveys about sex, drugs, death, attitudes, and family matters, and against psychological tests and courses, that first received national attention with the passage of the Protection of Pupil Rights Amendment (PPRA) by Congress in 1978.

The public school establishment, led by the National Education Association, had a collective tantrum when the Reagan Administration issued regulations in 1984.

Seven days of hearings held by the Department of Education in 1984 put hundreds of cases of psychological abuse in the classroom on the record, but the public school establishment continued to bitterly oppose enforcement of PPRA.

Despite a strengthening of the law's language by Senator Chuck Grassley's amendment in 1994, despite pledges of enforcement in the Contract With America, and despite notorious violations such as the 149-question federally-financed survey given to Minnesota children in 1989, PPRA has never been enforced until now. This issue is more important in 1999 than ever before because technology now allows the data collected on nosy surveys to be entered in student computer portfolios that can be used against the student all his life.

The Lisa T. case marks a real turning point in the battle for parents' rights. It provides a model for what parents and their lawyers can accomplish elsewhere.