Does The 4th Amendment Cover Schoolchildren?

Mar. 12, 2003

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The liberals have been going all out to protect the privacy of individuals against government efforts to ferret out al Qaeda sleeper cells that might be plotting to kill us. But there is one thing I don't understand: why aren't they just as solicitous to preserve the Fourth Amendment rights of U.S. citizens who attend public schools?
Requiring schoolchildren to respond to nosy questionnaires has been a pervasive abuse of children in the classroom for more than two decades. The federal Protection of Pupil Rights Amendment was passed in 1978 to stop this practice, but it has never been enforced and its very existence is a rather well-kept secret despite thousands of complaints by parents and a few lawsuits.

The stated rationale for demanding answers to nosy questionnaires is that schools and academics need the information for research and to develop curriculum. It would seem that interrogating terrorism suspects in order to prevent future crimes would be a more compelling purpose than academic peeping-Tomism.

A nosy questionnaire to be given in April to students in Fairfax County, Virginia recently stirred up a hornet's nest. The 169-question survey asks children about their sexual activity, drug and alcohol use, whether or not they have considered suicide, and other personal matters.

It should be no surprise that parents complained they didn't want their children asked nine nosy questions about sex such as "Have you ever had oral sex?" and "The last time you had sexual intercourse, what one method did you or your partner use to prevent pregnancy?"

The Fairfax survey comes from an organization called Communities that Care (CTC), which claims the survey was used in 128 sites in Pennsylvania and is now being given in 400 sites nationwide. Hiding behind all the do-good rhetoric about promoting "positive youth development" and "identifying community challenges," the real purpose is to use survey results to get government grants to finance useless programs about sex and drugs that masquerade as "education."

These survey questions sound a lot more personally intrusive of our constitutional right to be "secure" against "unreasonable searches" than asking terrorism suspects whom they conspired with and how they got their money to travel. Why aren't the people who are so concerned about the overreaching of PATRIOT Acts I and II also concerned about intrusive interrogations of schoolchildren?

In January, parents in Ridgewood, New Jersey filed their second lawsuit against the school district about a second nosy questionnaire given to schoolchildren. Seventh and eighth graders were required to answer 55 personal questions about their use of illegal drugs and alcohol, sexual and illegal behavior, then write their names on the survey and turn it in for credit.

Here are some questions asked in that New Jersey survey. "Are there guns in your home or the homes of your friends?" "Do you often think about yourself in negative terms (stupid, worthless, unlovable, etc.)?" "Are you engaging in risky sexual behavior (multiple partners, no protection from STDs or unwanted pregnancy, etc.)?"

The survey also required children to inform on their own family's misbehavior. A typical question was, "Do you have a parent, grandparent, brother, sister, aunt, or uncle who is an alcoholic?"

This survey was given even though litigation was already pending about a 156-question self-incriminating survey given in the same Ridgewood schools in 1999. The earlier survey asked students as young as age 12 "How many times, if any, in the last 12 months have you used LSD?", "Have your ever tried to kill yourself?", and how many times have you "stolen something from a store?" or "damaged property just for fun?".

In December 2001, the U.S. Department of Education determined that the giving of this survey without prior written parental consent violated the federal Protection of Pupil Rights Amendment. The same month, the parents won their appeal in the U.S. Court of Appeals for the Third Circuit, enabling them to go forward with discovery to get all the facts out on the table about nosy questionnaires in Ridgewood.

Parents' persistence also persuaded New Jersey to pass the Student Survey Act requiring schools to obtain informed written parental consent before giving surveys or tests that ask for information about political affiliations, potentially embarrassing mental and psychological problems, sexual behavior and attitudes, illegal or self- incriminating behavior, or critical appraisals of family members. The bill was vetoed by New Jersey Governor Christine Todd Whitman in 2000, but it was re-passed and signed into law by the New Jersey Governor in 2002.

Despite parental complaints, despite adverse rulings from the federal appeals court and the U.S. Department of Education, despite federal and state laws, the public school establishment is determined to continue this abuse of children in the classroom. Schoolchildren deserve greater protection of their privacy than terrorists.