Pupil Privacy Law Is Needed

May 30, 1996 by Phyllis Schlafly

The school establishment has suddenly discovered a bill that passed the House last year and is pending in the Senate which may interfere with plans to build files of personal information on public school pupils and their families. The Family Privacy Protection Act was noncontroversial when it sailed through the House by 417 to 7, but the school establishment has gone into panic and sounded phony alarms over a whole page of the May 19 New York Times.

Designed to protect pupil and family privacy, the bill is straightforward in stating that schools may not, without prior written parental consent, ask minors to answer questionnaires about political affiliations or beliefs, mental or psychological problems, sexual behavior or attitudes, illegal or self-incriminating behavior, appraisals of other family members, or religious affiliations or beliefs.

That's a reasonable rule because the schools have no business eliciting that kind of personal or family information from students. But in an era when schools assert their right, without parental knowledge or consent, to pass out condoms and to force little girls to undress and undergo intrusive genital examinations, it looks like the schools want to reject all accountability to parents.

The hysteria of the school establishment against this bill is encapsuled in the lead sentence in the New York Times news article: "Research into illegal drug use by American adolescents could be stifled by legislation pending in Congress." This is followed by quotations from several Ph.D.s ominously predicting that the bill "will leave us conducting the war on drugs largely in the dark."

One of these Ph.D.s who is crying around about how the law would "cripple" his surveys of schoolchildren, said sarcastically, "We also couldn't find out whether they believe in God, which some people think is important." Pardon me, but I don't believe he should be allowed to ask public schoolchildren whether or not they believe in God. Where is the ACLU when we need it?

The widespread use of intrusive surveys and questionnaires in the public school classroom started in the mid-1970s and resulted in the passage of the first Protection of Pupil Rights Amendment in 1978, sponsored by former university president and Senator Sam Hayakawa. The public school establishment was powerful enough to prevent regulations from being written until President Ronald Reagan demanded them in 1984.

National Education Association agents in the Department of Education and public school administrators nationwide circled the wagons against this law. Despite egregious violations, it has never been enforced.

Take, for example, the infamous 149-question survey which has been given, despite parental objections, to nearly all 6th, 9th and 12th grade Minnesota pupils. Parents were up in arms about it, not only because it was privacy-invading, but also because it assumed that illegal drug use, promiscuity, and suicidal tendencies are normal teenage behavior.

Another serious objection was that it encouraged pupils to inform on their parents. That sort of interrogation of children should not be tolerated in a free society. Here's a typical question: "Has drinking by any family member repeatedly caused family, health, job or legal problems? If yes, who? (Mark all that apply.) Parent who lives with me, Parent who doesn't live with me, Brother or sister, Other relative, Other person who lives with me." Here's another: "Has drug use by any family member repeatedly caused family, health, job or legal problems? If yes, who? (Mark all that apply.)" The same options are offered.

Many questions conveyed the notion that the majority of teenagers are using illegal drugs. "If you use marijuana, how old were you when you started? If you use any other drug, how old were you when you started? How often do you get drunk?"

Some questions interrogated the child about his religion. "How often do you attend religious services?" "How important is religion in your life?"

Some questions would be downright traumatic for some children. "Have you ever tried to kill yourself?" "How often have you run away from home?" "Have you felt so discouraged or hopeless that you wondered if anything was worthwhile?"

Of course, the survey included lots of Peeping Tom sex questions. "Have you ever had sexual intercourse (gone all the way)? If you have sexual intercourse, how often do you and/or your partner use any birth control method? Have you been pregnant?"

The public schools have no business requiring children to answer any of these nosy questions without prior written parental consent. To assert that restricting these surveys will hamper our "war on drugs" is ridiculous.

The purpose of the pending legislation is to extend the scope of the law to all surveys and questionnaires that are federally funded, not merely those funded by the Department of Education, and also to remove some vague language that has enabled the public schools to circumvent the law for the past ten years. Senators should say ho-hum to the hysteria of those who might be restrained from asking children about matters that are none of their business.