

Dear Chair and members of the Committee,

The proposed bill (HB2361) is nothing more than an attack on parent authority.

At present, there is nothing that prohibits a parent from consenting to their child participating in a test, questionnaire, survey (like the Kansas Communities that Care survey (KCTC)), or examination.

Instead, the following recommendations should be made to the current Student Data Privacy Act:

- A link to surveys, tests, questionnaires, and examinations must be provided to the parent when asking for opt-in consent.
- A list of all agencies, committees, task forces, departments, etc. benefiting financially or informationally must be provided to the parent.
- A list of all funding received by any agencies as a result of access to data must be provided to the parent.
- All programming developed as a result of using the data must be disclosed. (Parents have a right to understand how their child's completion of the survey then has the potential to result in programming being mandated on their child.) This recommendation is especially important in light of the proposed changes to Section 1. of K.S.A. 72-6316 (b).

The purpose of this bill is to support more "passive" parent associations with their own children rather than parents "actively" directing the up-bringing and protection of their own child. (These words were actually used in proponent testimony submitted last year regarding SB389.)

K.S.A. 72-6316. Section 1. (a) (1) as proposed, states that the tool of choice does not record, request or solicit a student to provide any personally identifiable student data. As you will find below, the KCTC collects numerous personally identifying data items at the beginning of the survey.

K.S.A. 72-6316. Section 1. (b) states that the previous section shall not prohibit school counselors or other school-based mental health professionals from providing counseling services to a student, including the administration of tests and forms that are part of a counselor's or other school-based mental health provider's student counseling services. As proposed, this bill allows school personnel to do an end-run around parent authority under the broad provision of providing "counseling services."

Using the KCTC survey as an example, school district communications to parents do not fully disclose the content of the survey.

- First, they **do not provide**, even now with the opt-in requirement, **an actual copy or link to the survey**.
- Second, they do not fully disclose the significant number of items where the student can **report** undesirable qualities **about himself**.
- Third, they do not fully disclose the significant number of items where the student **reports on his parents** and other family members.
- While numerous agencies/interests report the benefits of such a survey to their organizations and the community, as a parent, the number and types of issues introduced (possibly for the first time) to a child taking this survey are disturbing, to put it mildly. The issues include cutting school, cheating, gambling, and use of quite an extensive and specific list of drugs, to name a few.
- As well, some survey items INFER that a child has actually done something; "suggesting" the positive occurrence of doing something illegal. As a parent, I do not employ that type of tactic on my own child.

This survey is not anonymous. After reviewing CTC survey promotional materials as well as the numerous testimonies that were entered last year, when another attempt was made to undermine parent authority and ability to protect their own child, there is not consistency when it comes to whether the survey is truly anonymous. Some state (fervently) that the

survey is anonymous, while others more correctly state that the survey data is de-identified. “Anonymous” to the average person means that the data has never been specifically tied to an individual. “De-identified” to the average person means at its initial data collection point it is specifically identified to an individual, but at some point has some data items changed or removed so as to further anonymize the data. At some point, the data IS tied to a specific individual. The KCTC survey is hardly anonymous as it contains 5 identifying codes (prior to the first of 140+ survey items), and the first eleven actual survey items are personally identifying. Anybody who knows anything about data knows it doesn’t take many points of data to specifically identify a person. An exact data match at an 86% rate can occur with just seven data points on an individual. Especially, in smaller populations, students and families are even more easily identified.

Communications to parents also do not disclose those who stand to financially benefit from their child taking the survey.

Just as when similar changes were proposed last year to undermine parent authority, an impressive number of agencies/interests entered proponent testimony. All these agencies/interests emphasized how their funding (federal, grant, etc.) is at risk. Every one of these agency/interest representatives is PAID – as either a paid representative/lobbyist or an employee of an organization receiving grant funding via the data from this survey – to push for end runs around parent authority. They prefer “passive” parent consent vs. “active” parent consent. This lack of support of parent authority by those proposing this bill and those testifying in support of it is not very flattering.

Does perceived “community” benefit negate parent authority? That is the question. If something is perceived to benefit the community, is that justification for infringing individual rights? Do the “needs/desires” of government/community agents justify the diminishing of the rights of the individual?

Why is this type of activity appropriate for places of academia? I have to ask WHY is the inclusion of this type of programming deemed acceptable in our education institutions. This survey is not germane to the academic education of a student. While education institutions and community interests have taken on the mantra of the myriad of social issues and causes, shouldn’t a school employing tools in these areas only be a rare occurrence and certainly with the fully informed consent of the parent? Shouldn’t a parent have to consent to their own child being tracked and inventoried in these areas? Perhaps this has always been meant to be:

In the January 1969 issue of *Today’s Education*, journal of the National Education Association, two professors of education at Indiana University refer to schools of the 1970s as “clinics, whose purpose is to provide **individualized psychosocial ‘treatment’** for the student.”

An excerpt from *Master Plan for Public Education in Hawaii – Toward A New Era for Education in Hawaii*, published in 1969 by the State of HI Department of Education (and partially funded by the U.S. Office of Education), and what would serve as a model for the rest of the nation:

The roles and responsibilities of teachers will change noticeably in the years ahead. By 1985 it should be more accurate to term a teacher a “learning clinician” for the school will be “clinics” whose purpose is to provide individualized education and **psychological “services”** to the student.

From a Superintendent of a Kansas School District:

SEL will be integrated in the curriculum; it will not be taught separately. It is not likely that a student could “opt out” of SEL curricular efforts. For to do so, would be to opt out of a majority of the curriculum.

Has 1969 has come to fruition?

I ask that you fully and strongly support the inherent and superior authority of parents to protect and direct the education of their own children, not passively, but actively.

Lisa Huesers
THE Parent