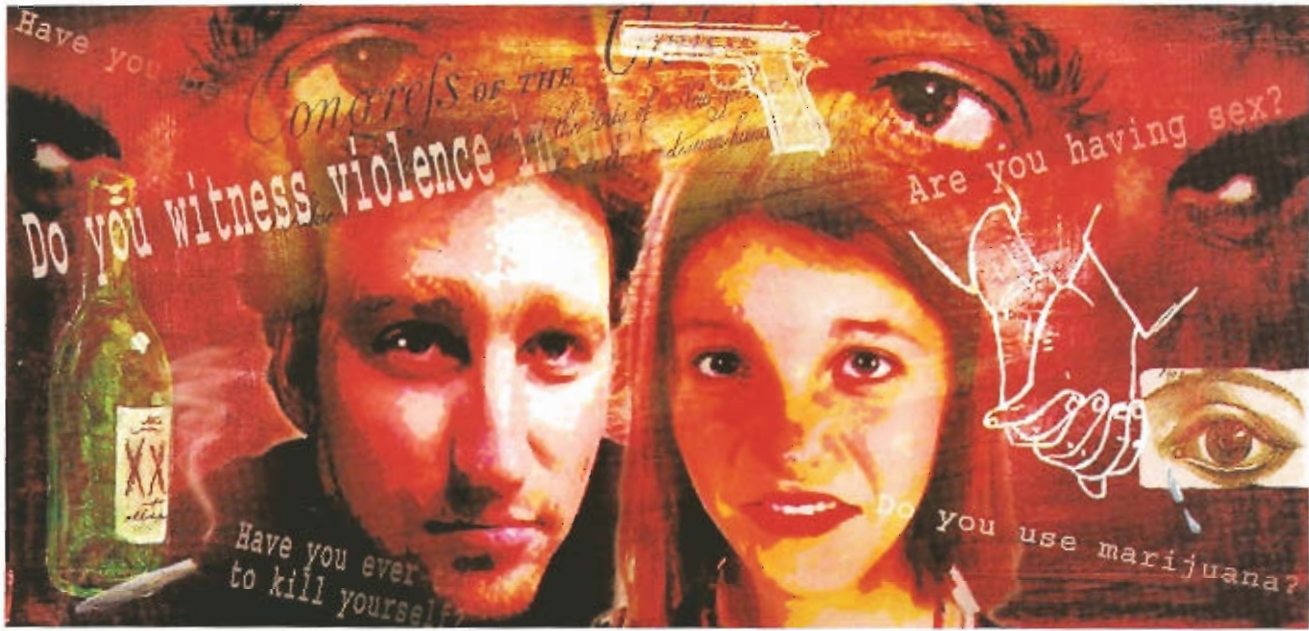


Student Profiling

A questionnaire aimed at identifying troubled kids is at the center of a storm over teenagers' civil rights in Ridgewood.

BY TINA TRASTER



JULIE DUGHELTREE AND JENNIFER NUNN KNOW ALL ABOUT risky teen behavior. The Ridgewood High School students say that they know kids who drink excessively, use drugs, and have unprotected sex. Still, a 156-question survey about alcohol and drug use, sexual activity, domestic violence, depression, and a slew of other personal matters, which was given at their high school more than two years ago, prodded them to reflect more deeply about their peers. "The survey made me stop and think about how often kids are drinking," says Julie, a poised sixteen-year-old with aplomb that belies her youth. "I mean, the survey asks if you drink every day. It never occurred to me that anyone was drinking that often. I guess the questions made me reflect on how some kids might be living their lives." Her friend Jennifer also found surprises in the survey. "It asked about drugs I'd never even heard of," says Jennifer, now seventeen. Both young women found the survey intriguing because it raises issues that are not always aired in this verdant Bergen County suburb of 25,000 residents.

While the girls muse over the survey in the Nunns' living room, Jennifer's mother, Carole Nunn, is in the kitchen preparing cold cuts and drinks for a group of women expected to arrive soon. They'll discuss, as they have many times in the past, the lawsuit that was filed against the Ridgewood Board of Education by the Rutherford Institute, the conservative Virginia-based lobbying group best known for representing Paula Jones in her sexual harassment complaint against Bill Clinton. The suit, filed on behalf of the Ridgewood parents who objected to the survey,

argues that the school district invaded their children's privacy, violated their constitutional rights, and broke federal law. A judge ruled last February in favor of the school board and dismissed the suit. But in December an appeals court overturned that decision, reviving the Ridgewood parents' suit. At the same time, a bill that would give New Jersey parents more control over sensitive student surveys was making its way through the state Legislature. And in yet another development, the U.S. Department of Education, after investigating the Ridgewood survey, took the parents' side against the school district.

The so far successful challenge to the survey has been mounted not by vast numbers of Ridgewood parents but by Nunn and a few other parents forming a small but powerful group. Not only had they gained ground on Ridgewood's school district by year's end, but they were drawing media attention all over the state and nation.

"This has gone so far beyond Ridgewood," says Nunn, who's become Ridgewood's point person on the controversy and a kind of de facto resource center for parents with similar concerns nationwide. She's appeared on television on WABC News, Fox News, RNN, and Channel 12 and on many radio broadcasts. Her fellow activist and Ridgewood resident Frances Edwards has been quoted in major newspapers, including the *New York Times*.

"We all have private lives, and this story has national significance because this is a fight about maintaining privacy and dignity," says Edwards. "We're confronted with these issues every day, whether it is with credit cards or on the Internet. Now send-

Education

Rights and maintaining a safe and productive society is often a wobbly balancing act.

THE CONTROVERSY IN RIDGEWOOD BEGAN ON A November day in 1999 when Nunn found out by accident that Jennifer had been given a survey at school with such questions as: Do you use marijuana, hash, crack, or cocaine? How often does your family eat dinner together? Are you having sex, and if so are you using birth control? Have you been the victim of domestic violence? Do you witness violence in your home? Have you ever tried to kill yourself? How highly educated are your parents? And those are just a small sampling of the touchy subjects covered by the survey; predictably, after getting wind of them, some parents were outraged.

"Schools are there for academics," says Nunn indignantly. "Why are they asking questions that have nothing to do with academics? Why do they ask how many meals they eat with their families? That's nobody's business."

Nunn was stunned to learn that the survey had been given without seeking parental approval, because precisely that had been the focus of a public discussion in

Frances Edwards (left) and Carole Nunn in front of Ridgewood High School.

Ridgewood in May 1999, a month after the Columbine shootings. She was among residents who had attended the meeting called by members of the police force, social services, Red Cross, school officials, and the mayor's office to propose the 156-question survey, titled "Profiles of Student Life: Attitudes and Behaviors." Created by the Search Institute of Minneapolis, a nonprofit organization specializing in research on children and teenagers, the questionnaire has been given not only in Ridgewood but in schools all over the nation. Ridgewood community leaders, concerned about the possibility of high school violence, hoped that the survey might limn a general profile of at-risk behavior among the town's youth.

Nunn says she made it clear during that meeting that the school board should send home a consent form so parents could choose whether to allow their children to participate.

By September 1999, Nunn's daughter Jennifer had become a freshman at



ing your kid to school becomes a threat to your privacy, and that affects all of us."

While parents have always resisted abdicating control of their children to schools or any other institution outside the family, the frustration, even anger, that Edwards expresses has grown in response to the grab bag of programs and surveys created to preempt school violence in the aftermath of the Columbine tragedy. By the end of 2001 it appeared likely that both the state Legislature and the U.S. Congress would soon pass bills requiring public school districts to secure written consent from parents before their children could be questioned about sensitive matters such as political affiliation,

psychological problems, sexual activity, and antisocial attitudes and behavior. While some parents may support such measures, many educators, health officials, and researchers, usually those who are more liberal politically, fear such constrictions will undermine the effectiveness of survey research and hinder a community's ability to prevent violence in its schools. The debate echoes one that's raged since the nation was founded: To what extent are an individual's rights compromised when governments or official bodies intervene for the sake of security? The conundrum plagues civil libertarians, policy makers, scholars, and legislators because both upholding the Bill of

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Ridgewood High, and Nunn had received a letter saying that the school would ask students to take part in a "voluntary and anonymous survey," she says. "But it was vague. There was no consent form or date. September and October go by and there was no word about a survey. I'd basically forgotten about it. So one day, I'm driving in the car with Jennifer and she mentions a survey. And then," Nunn says, "she told me about the questions on the survey and I knew it was the one [town and school officials had] talked about."

By December, a small group of angry parents, including Nunn, began attending school board meetings to demand that the district seek parental consent on surveys. Nunn's ally Edwards, a mother of three children, says her involvement grew out of concern for her family's civil rights. "The school board has gone off the deep end," Edwards says. "Parents have a right to protect their privacy and their children." She says she's put her life on hold, devoting all of her energy to the controversy, because "I don't trust the public schools anymore."

That month, the Rutherford Institute, the Virginia-based lobbying group, filed the federal lawsuit on behalf of several Ridgewood parents. The suit alleges that the school district violated the Protection of Pupil Rights Amendment, which requires parental consent for mandatory student surveys dealing with sensitive issues.

Ridgewood Schools Superintendent Frederick Stokley says that the controversy has surprised him. He says that the district has issued surveys for years without any backlash and this small handful of parents, whom he characterizes as "gadflies," do not reflect the sentiments of the community. Stokley repeats that the survey was conducted "anonymously and voluntarily" and therefore did not violate students' rights; signatures were not required. Moreover, he says, parents received two letters—one in May 1999 and another on September 1, 1999—alerting them about the survey.

Amid the storm, the disconcerting results of the survey have gone nearly unnoticed. Nearly two in five Ridgewood teenagers admitted to drinking alcohol within the past month, while one in five said that he or she had smoked marijuana within the year. Nearly one in three reported having been a victim of violence,

in some cases at home.

After year-long consideration, the board last August voted to maintain its policy to inform parents about surveys but not to require advance written permission, or "active consent." That means that once parents are notified, the onus is on them to advise school officials that they object to their children's participation. This policy has become the heart of Nunn and company's campaign: The parents group wants school boards to seek parental consent before their children can be surveyed—the way such consent is sought before children can attend field trips.

Opponents of active consent, including national research groups, say that it undermines information gathering because many parents don't respond. That creates a presumption—often falsely—that parents don't want their children surveyed, which can reduce the sample size and render a survey pointless. On the other hand, proponents of active consent argue that since it's already sought for field trips and club participation, why not extend the policy to surveys as well?

More than 1 million students in grades 6 through 12 in 1,000 communities, including five in New Jersey, have taken the Search Institute survey. While parents nationwide have objected to other similar surveys, this is the first time that the Search Institute has found itself in the hot seat.

"There have been situations in communities where there are concerns about some of the questions, but in every other instance other than Ridgewood, the community has been able to work out their differences internally," says Marc Mannes, director of applied research at the Search Institute. "Is there something unique about Ridgewood, something internal to the dynamics that has caused this to happen? I don't know. We've administered these surveys in the deep South, in rural communities, and in urban centers, and never have we seen such a response. These surveys are designed to help the community listen to the voices of young people and to learn from their experiences."

THROUGHOUT THE SIGMA, NUNN'S MEDIA SAVVY has kept the issue alive. The self-taught grassroots leader has learned how to issue press releases, give interviews, and generate media interest in her cause. She keeps an enormous clip file and continues to fax reporters updates on the story. Nunn got busy last April when her son, a student at

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George Washington Middle School, was given a questionnaire that asked about drugs, sexual behavior, and guns at home.

Nunn and her group accused the board of violating students' privacy and federal law by not having first sought permission to issue the questionnaire. Board members again defended their right to conduct the survey.

Nunn's cause has garnered support from organizations that rally around conservative causes. Along with the Rutherford Institute, Phyllis Schlafly, who's been at the forefront of such efforts for 40 years, joined forces with Nunn and her Ridgewood allies. Schlafly filed a friends-of-the-court brief under her name and that of the Eagle Forum Education & Legal Defense Fund. But the Ridgewood Board of Education, too, has allies. The state and national school boards associations filed a friends-of-the-court briefs on behalf of the defendants, who include the Ridgewood schools superintendent.

In February 2001, Nunn and her allies suffered a blow when federal judge

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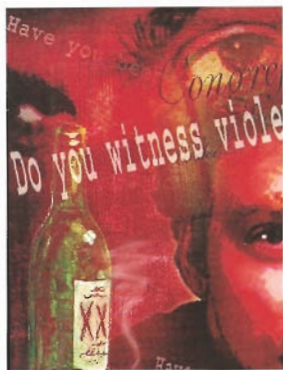
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Nicholas Politan dismissed their suit. But by December, they appeared to be winning on several fronts.

The U.S. Court of Appeals for the Third Circuit reversed Politan's dismissal, reviving the parents' lawsuit. The eleven-page opinion agreed that it was premature for the judge to rule in favor of the school district without giving the parents a chance to query its officials about the administration of the survey. That decision, in turn, was expected to be challenged by the school district.



"These kinds of surveys go beyond anything most parents imagine their children would be asked."

—Assemblyman
E. Scott Garrett

The Department of Education, too, after investigating the controversy, effectively sided with the parents, saying that the school board had violated a federal statute by administering the survey. The department's conclusion rested heavily on sworn statements from four students who said they had believed the survey was mandatory. The department's ruling doesn't carry any penalties, but it's likely to make other schools more cautious about administering the same kinds of surveys.

Nunn's group also has made progress

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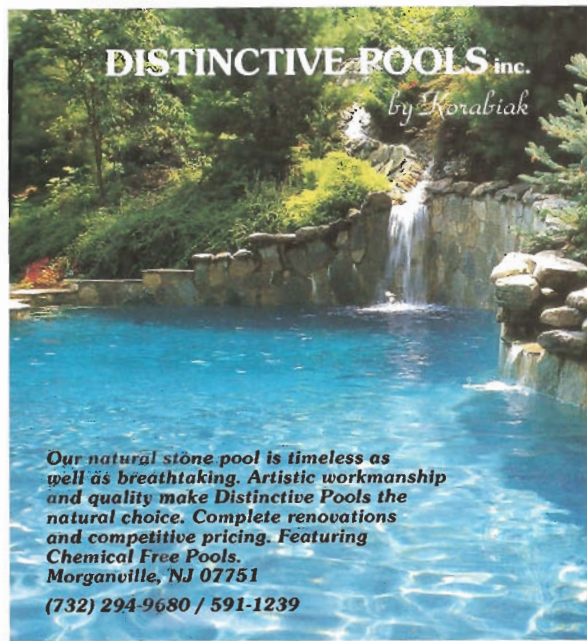
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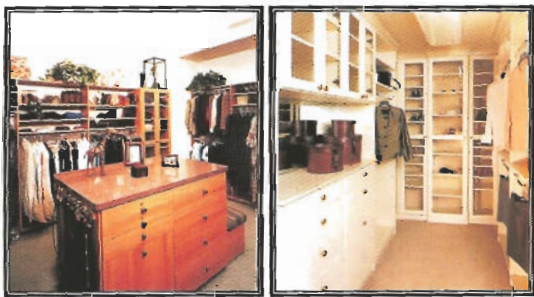
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Education

on the legislative front. Republican Assemblyman E. Scott Garrett, of Sussex County, sponsored a bill that would require active consent from parents before children could be questioned about drug use, sexual behavior, family life, and other sensitive topics. It would also

Each time a child sprays a school with gunfire, there's a heightened yearning for explanations and for protection.

require that school districts make advance copies of sensitive surveys available to parents. By last December, the bill had passed both the Assembly and the Senate education committee and was headed to the full Senate for a vote. In January the bill was signed into law. It will override policies at local school districts like Ridgewood's.

"These kinds of surveys go beyond anything most parents could imagine their children would or should be asked," says Assemblyman Garrett, referring to the Ridgewood survey. "It's far too intrusive to ask kids about their sexual habits, criminal behavior, drug history, and what's going on in the privacy of their homes. Why does a school or outside group have the right to ask these questions?"

Perhaps new legislation will ease the vagaries of survey taking. If districts are required to seek active parental consent, then controversies such as Ridgewood's will be quashed. Yet there's a good chance that the tension between individual privacy and public intervention will extend to other things. Each time a child sprays a school with gunfire, there's a heightened yearning for explanations and for protection. Ideally, parents are responsible for rearing their children and being good role models. Schools have taken on more aggressive roles in trying to identify potentially violent students, however, because the consequences of inaction can be devastating. ☽

Tina Traster wrote about the revival of Jersey City in the July issue.

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