

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN DARYL TOEWS, on March 10, 1995, at 3:25 p.m.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. John R. Hertel, Vice Chairman (R)
Sen. C.A. Casey Emerson (R)
Sen. Delwyn Gage (R)
Sen. Loren Jenkins (R)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Steve Doherty (D)
Sen. Gary Forrester (D)
Sen. Barry "Spook" Stang (D)

Members Excused: Sen. Mignon Waterman (D)

Members Absent: N/A

Staff Present: Eddy McClure, Legislative Council
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 434, HB 369, HB 431, HB 233
Executive Action: HB 434, HB 221, HB 431

HEARING ON HB 434

Opening Statement by Sponsor:

REP. JOHN COBB, HD 50, Augusta, said HB 434 honors living people who have or are contributing to the culture of Montana, making Montana what it is, i.e. an 80-year-old trapper who has been trapping for many years. He said county commissioners and tribal governments would solicit names of the honorees and submit the list to the Governor, who would select the honorees. The registry of honorees would be maintained by the Governor's Office. He urged passing of HB 434.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

SEN. GREG JERGESON will carry HB 434.

EXECUTIVE ACTION ON HOUSE BILL 434

Motion/Vote: SEN. GARY FORRESTER MOVED HB 434 BE CONCURRED IN.
Motion PASSED BY UNANIMOUS voice vote.

EXECUTIVE ACTION ON HOUSE BILL 221

Discussion: SEN. KEN MESAROS said counties now had authority to do what HB 221 promoted; therefore, he spoke against the bill.

SEN. GARY FORRESTER said he lived in a county which uses the county superintendent, and he agreed with SEN. MESAROS' comment; therefore, he spoke in strong opposition to HB 221.

SEN. JOHN HERTEL said county commissioners told him if the office of county superintendent was removed, someone else would be hired to perform those duties; therefore, it was not money-saving. He spoke against HB 221.

SEN. BARRY "SPOOK" STANG said he resides in a county which contracts the duties of the county superintendent with another county, and it works fine.

SEN. LOREN JENKINS said he had received letters from commissioners which stated they could not do everything cited in HB 221.

Motion/Vote: SEN. LOREN JENKINS MOVED TO TABLE HB 221. Motion PASSED BY UNANIMOUS voice vote.

HEARING ON HB 369

Opening Statement by Sponsor:

REP. JACK WELLS, HD 27, Bozeman, distributed copies of "Protection of Pupil Rights" to the committee (EXHIBIT 1). He said HB 369 deals with the rights of students, parents and families. He stated there is a movement nation-wide to institute tests, analyses and surveys which infringe on the rights of

students, parents and families. **REP. WELLS** said the Federal laws regarding this should be instituted at the state level.

REP. WELLS informed the committee the original **HB 369** was much longer but parts were amended out because Montana School Boards Association, teachers and educational groups said much of the material tied the hands of the school board.

REP. WELLS said the basic components of **HB 369** were: (1) Implementing basic Federal law, i.e. Family Education Rights and Privacy Act and Protection of Student Rights as stated in the Grassley Amendment. He explained the above two pieces of legislation are imposed on schools by Federal law if they have Federally funded programs; (2) Ask schools to apply the above legislation regardless of the source of funding for their educational programs.

REP. WELLS reported there were instances where parents were concerned about questions being asked their children because these questions seemed to delve into their family privacy. When these parents would approach the school board to ask the reason for those questions, they were told it was a requirement because of the Federal funds the school received. He said **HB 369** was trying to combine both pieces of legislation to create one law and one set of standards; that effort and the funding was the reason for **HB 369**.

REP. WELLS reiterated **HB 369** does not prevent the spontaneous dialogue between a teacher and student; rather, **HB 369** addresses structured tests, surveys and analyses. He also said **HB 369** does not ask for more Federal government control; rather, local school boards are asked to establish policies in accordance with existing Federal law.

Proponents' Testimony:

Helena Lee, Montana Parents Commission, said Montana Parents Commission is a state-wide group of grassroots parent organizations which network regarding educational issues at the state and Federal level. She said their focus was to be informed on issues affecting schools and families. **Ms. Lee** then read her written testimony. **EXHIBIT 2**

Paulette Jermunson, retired teacher, read her written testimony. **EXHIBIT 3**

Barbara LaRue, Helena, read her written testimony. **EXHIBIT 4**

Kathy Collins read her written testimony. **EXHIBIT 5**

Brian Collins read his written testimony. **EXHIBIT 6**

Inez Howeth distributed copies of a letter (**EXHIBIT 7**) and said she supported **HB 369**, explaining this country was founded on the

idea that one of our most precious rights was the right to be left alone. She stated **HB 369** says the school will respect the rights of students and their families by not betraying the trust placed in the educators. **Ms. Howeth** remarked opponents say **HB 369** is an expansion of Federal control. She challenged the committee to reject that idea by asking them if being left alone was Federal control. She commented **HB 369** was the type of legislation voters are asking for. **Ms. Howeth** suggested parents ask themselves why teachers are needing the private information and what are they doing with it. She said adults could not be asked these questions, even in employment, so why was it acceptable to ask students. **Ms. Howeth** ended her testimony by quoting her mother, a former teacher, who said such questions are unethical, unprofessional and a betrayal of trust.

Barbara Rush, teacher, read her written testimony. **EXHIBIT 8**

Amy Orser read her written testimony. **EXHIBIT 9**

Laurie Koutnik, Executive Director, Christian Coalition of Montana, read her written testimony (**EXHIBIT 10**) and distributed copies of the Grassley Amendment (**EXHIBIT 11**), "Parental Rights in Special Education" brochure (**EXHIBIT 12**), and a letter from Debra Cline (**EXHIBIT 13**).

Terry Frisch, President, Helena Parents Commission, read Section 10 from the Montana Constitution to the committee (**EXHIBIT 14**) and said it was his opinion teachers who fear lawsuits should support **HB 369** because of the guidance it provides.

Louise Turner read her written testimony. **EXHIBIT 15**

Barbara Eckstein read her written testimony. **EXHIBIT 16**

Opponents' Testimony:

Michael Keedy, Montana School Boards Association (MSBA), congratulated **REP. WELLS** for bringing this matter before the legislature in the form of **HB 369**, and said there was not much testimony with which he disagreed. He confirmed MSBA was sympathetic with the testimony presented, but believed it was the exception rather than the rule. However, MSBA supports neither pop psychology nor intrusive inquiries into family life. **Mr. Keedy** said MSBA opposed **HB 369** because it illustrates how the best of intentions can be translated into bad law, i.e. **HB 369** as introduced would have been a labyrinth of rules and restrictions which would be difficult to interpret and would force school districts into a mire of bureaucracy and blizzard of paperwork to comply with the requirements. He said when he spoke in opposition to **HB 369** in the House Education Committee, he voiced sympathy with the concerns and offered to work with **REP. WELLS** and other proponents in amending **HB 369** to accomplish the intended purpose. He pointed out the result was the version of **HB 369** which was before the committee.

Mr. Keedy distributed copies (yellow paper) of U.S. School Laws and Rules, calling attention to 1232 g. and 1232 h. (**EXHIBIT 17**) and said it was important for reference if the committee is asked to pass legislation which incorporates Federal law.

Mr. Keedy distributed copies of 1232h. (green paper) and said it showed at a glance what happened regarding Federal legislation in the most recent Congressional session. He explained the highlighted text showed the areas about which MSBA was concerned. He said if **HB 369** was accepted in the form before the committee, it would be subject to periodic Federal amendments; some of which would be disagreeable to the State of Montana. (**EXHIBIT 18**)

Mr. Keedy called the committee's attention to the amended version of 1232 h. and said it was much more restrictive than the original. He explained the changes by Congress forbid any evaluation, whether psychological or not, which happens to reveal information to which a parent may object. **Mr. Keedy** said this puts schools into almost impossible positions because they would need perfect foresight as to what information might innocently be revealed through analysis or evaluation.

Mr. Keedy said **HB 369** as amended would encompass all programs which would lock schools in all aspects of their operation to the restrictions of Federal law, which is subject to further amending in Congress.

Mr. Keedy reminded the committee MSBA is ready to assist in the amending of **HB 369** to help avoid the potential pitfalls. He urged rejection of **HB 369** in its present form.

Gary Toothaker, Superintendent, Helena Schools, said he opposed **HB 369** and shared an experience from the past year. He said he tried to understand the implications of the Grassley Amendment and Goals 2000, and engaged in debate with the Helena Parents Commission over the Federal question. **Mr. Toothaker** said new ground was being tested; the Federal government had to be contacted to get an exact understanding of the amendment. He said while the debate, etc., was going on, parents' rights had to be protected and in the end, the Helena school district stood by their stand of full compliance of the legislation.

Mr. Toothaker said the school district received a letter from a parent requesting action to be taken, and shared information from that letter. He said the parent requested the child not be involved in any school activities (and submitted a long list of prohibited activities) unless the parent first reviewed the materials and gave written consent for use.

Mr. Toothaker said the curriculum of public education would be in disarray if schools had to figure out what the above list meant or what students could be exposed to.

{Tape: 1; Side: B}

Loran Frazier, School Administrators of Montana (SAM), said SAM's problem with **HB 369** is since it's already part of Federal law, it is not necessary to have a bill to adopt it as state law. He said SAM's main opposition was the adopting of **HB 369** into Federal law, explaining Section G says funds shall not be made available if(list of prohibitives). **Mr. Frazier** said SAM wondered if that meant state as well as Federal funds, and SAM also wondered who would police the situation. He also wondered if the inadvertent omission of sending parental forms would result in violation and ultimately withholding of funds.

Eric Feaver, Montana Education Association (MEA), said it was an irony for this legislative session to incorporate Federal law into state law when it is a fact that Federal law changes. He also claimed **HB 369** would include unfunded mandates, saying it would be an encumbrance on school districts to develop policies and to provide students and parents with written notification of the provisions of **HB 369**. **Mr. Feaver** said **HB 369** applies to school districts and school personnel as well. He suggested one outcome could be the law of unintended consequences, explaining it was highly unlikely that a teacher would not invade the privacy of a student, i.e. class discussion, spontaneous student sharing, etc.

Mr. Feaver said when his children complained about school, they were told to fix it themselves. He said family values are not shaken by schools; if these values are not in place in the home, they won't be in place in the schools. He urged rejection of **HB 369**.

Terry Minow, Montana Federation of Teachers (MFT), said **HB 369** was a reversal of this legislature's trend of local control. She urged the proponents to raise those concerns with the teachers, administrators and local school boards. **Ms. Minow** said the school her children attend send notices to parents regarding curriculum and she believed many other schools had such policies. She suggested parents contact local school boards if they had children in schools which did not have such policies. **Ms. Minow** expressed agreement with the other opponents, and asked the committee to proceed with caution on **HB 369**.

Gail Gray, Assistant Superintendent, Office of Public Instruction (OPI), said when she first reread **HB 369** as amended, she thought it was a simple bill, a good compromise, and the changes appropriate; however, after listening to the testimony, she felt it was no longer a simple bill, regardless of the intentions of both the sponsor and the proponents. She said she was concerned this was unnecessary government intrusion because local trustees can already do everything mentioned in **HB 369**.

Ms. Gray wondered: (1) Would **HB 369** require parental consent for optional, anonymous and confidential student surveys? (2) Would a newspaper announcement be considered written notification for

parents? (3) Would students 18 years and older need written notification?

She said there would have to be separation of specific curriculum decisions at the local level from some issues in **HB 369**. **Ms. Gray** closed by saying OPI is primarily concerned about the issue of local control.

Questions From Committee Members and Responses:

SEN. DELWYN GAGE asked if **HB 369** covers only schools receiving Federal funds, why not have all schools share in the misery. **Michael Keedy** said the incorporation of 1232 g. and 1232 h. into state law applies to local federally financed educational programs. He conceded total consistence would say the restrictions should apply to all schools; on the other hand, **HB 369** represents foolish consistency by taking bad ideas and spreading them across the board. He said **HB 369** incorporates future Federal law, about which nothing is known.

SEN. GAGE asked if "no funds" really meant absolutely no money, or just no Federal funds. **Mr. Keedy** said it was the intent of Congress that Federal funding be withheld; however, if **HB 369** passes, it would be wise to consider what has been in regard to state as well as Federal funds.

SEN. JENKINS asked if Federal funding was always lost in the event of non-compliance. **Mr. Keedy** concurred. **SEN. JENKINS** asked if schools receiving Federal funds were required to follow the current policy. **Mr. Keedy** answered in the affirmative. **SEN. JENKINS** said **HB 369** did not mention losing Federal funding; rather, protections allowed under Federal law. **Mr. Keedy** did not agree, saying if **HB 369** as amended became law, it would affect the availability of both Federal and state funding. **SEN. JENKINS** read Page 2, Lines 1-5, and repeated there was no reference to funding, but to compliance with protections in Federal law. **Mr. Keedy** said if **HB 369** were adopted, it would incorporate the language of the Federal law, including language which forbids the payment of funds to school districts which do not comply with the language of the restriction.

SEN. STEVE DOHERTY asked if it was desirable to withhold state funds from schools who do not comply with privacy protection. **REP. WELLS** said it was not the intent of **HB 369** to get involved with those details; instead, the primary focus of the bill was the protection of the privacy rights.

SEN. DOHERTY asked for affirmation of his understanding the intent was not to withhold state funds if schools are in non-compliance. **REP. WELLS** said he could not say, "Absolutely not," because he would be giving up any control to require compliance. He said something had to be maintained in the way of compliance but he didn't see it in the same sense as the Federal funding is used.

SEN. DOHERTY asked what happens when Federal laws are changed -- will those changes be incorporated into state law or should **HB 369** be written and based on Federal law as it is today. **REP. WELLS** said if Federal law changes, schools with Federal funding are required to meet all the Federal requirements. He commented all schools should meet those requirements; if the Federal law changes, all schools would be covered.

SEN. DOHERTY remarked it might be good if the Montana legislature gave up their ability to pick and choose what might be good in Federal law, if the law changes. **REP. WELLS** said it would be best if specific words or amendments could be drafted to show an attempt was made to adopt a Montana policy for the protection of parents and students.

SEN. KEN MESAROS asked **Barbara Eckstein** if she had approached the school board regarding the use of the material as presented in her testimony. **Ms. Eckstein** said one exercise was very recent and nothing had yet been done; the other had been brought to the attention of the school board, who said it was the exception. She said she presented her concerns in a group with the superintendent and 28 teachers. Some of the teachers wanted to continue using the material and some were in favor of discontinuing it.

SEN. MESAROS said he found the submitted materials of **Ms. Eckstein** unacceptable for use in a school system and saw a need for legislation in this regard; however, he wondered if Montana wanted to be tied to Federal law or to write its own. He explained **HB 369** appeared to be written in Montana law first and then reverted to Federal law and wondered why it didn't continue with Montana law. **REP. WELLS** said most of the objections addressed those items in the original bill and it was recommended they be amended out **HB 369**. He said the issue of Federal law changing was not addressed until about four days ago, and it was too late to make revisions.

SEN. MESAROS asked what would be acceptable to MSBA, since they did not approve of existing language nor tying it to Federal legislation. **Mr. Keedy** said they are ready to work with **REP. WELLS** on substantive language which will give this legislature an opportunity to say what he means.

SEN. CASEY EMERSON asked **Mr. Keedy** if he tried to work with **REP. WELLS** between the time **HB 396** was heard in the House and today regarding that change. **Mr. Keedy** said he offered to do so in his testimony before the House Education Committee. **REP. WELLS** offered amendments incorporating 1232 h. to the House Education Committee at the time they took Executive Action; however, he offered outdated amendments because he didn't realize there were 1994 amendments to 1232 h. **Mr. Keedy** said he looked at the outmoded amendments and thought they were acceptable, not knowing they were not current. He said when he discovered they were the wrong ones, he called **REP. WELLS** and told him MSBA had concerns.

SEN. EMERSON asked what the Helena School District did to prompt a letter which **Mr. Toothaker** referred to in his testimony. **Mr. Toothaker** said it was a "fill-in-the-blanks" letter. **SEN. EMERSON** wondered what has happened in the past 30 years that such a letter should be prompted. **Mr. Toothaker** replied America is in the evolution of democracy and throughout its history there has been disagreement and debate.

SEN. BARRY "SPOOK" STANG asked how many Montana schools did not receive Federal monies of any kind. **Gail Gray** said probably less than 10; in fact, she couldn't think of any.

SEN. STANG asked if the Federal section of law applied to programs for which Federal money is received, or all school programs for which they receive Federal money. **Ms. Gray** said one section of **HB 369** gets confused because it lists the actual areas which reveal inappropriate information, according to the Grassley Amendment. In reality, the reference is to students being required to submit a survey analysis or evaluation; it does not cover curriculum areas.

SEN. STANG asked if OPI interprets surveys to mean only those required by a particular Federal program, or any surveys done in school. **Ms. Gray** said this section dealt with surveys pertinent to programs funded with Federal monies from the Department of Education.

SEN. STANG asked for verification of his understanding the rule applies only to Federal funds from the Department of Education, not 874 funds, etc. **Ms. Gray** concurred. **SEN. STANG** wondered if OPI would say this rule applied to almost every Montana school. **Ms. Gray** said it applied to all schools who accept Federal funds but there are many components to the rule; in particular, information received from survey analysis or evaluations.

SEN. DELWYN GAGE asked if there would be an objection to an amendment which says **HB 369** will be implemented upon receipt of the Federal regulations. **REP. WELLS** said he wouldn't object, but he wasn't sure it would be the solution to the dilemma; getting Federal definitions into Federal laws would be more binding.

SEN. JENKINS wondered if "protection" at the top of Page 2 concerned funds. **Eddye McClure** said 1232 g. and 1232 h. means all is received; 1232 g. is an enforcement termination of assistance section, which she interpreted to mean no funding. **SEN. JENKINS** asked **Mr. Toothaker** if his school used the form presented by Barbara Eckstein as per EXHIBIT 16. **Mr. Toothaker** said local districts adopt their own materials, and he didn't know whether Helena teachers use the questioned form.

SEN. JENKINS asked **Mr. Toothaker** if he or his school board knew all the materials being used in Helena classrooms, and he said he didn't.

Closing by Sponsor:

REP. WELLS expressed apologies to SEN. EMERSON and Michael Keedy for HB 396 not being perfectly usable. REP. WELLS acknowledged Mr. Keedy's interest and suggestions but said he was too busy to do much follow-up work. He mentioned SEN. DOHERTY had a suggested amendment which would enable the writing of a Montana bill, which would address the concerns and avoid the pitfall of Federal funding and regulations.

REP. WELLS reminded the committee HB 396 is still a Federal requirement with which school districts must comply in order to receive Federal funding. He said he thought it possible to extend it to all school districts.

REP. WELLS challenged the committee to consider the testimony which indicated parents are not concerned about the basics, but pseudoeducation activities which have crept in. He also challenged and disagreed with Eric Feaver's testimony which said he told his children to fix their problems themselves and schools can't shake family values. REP. WELLS said he had heard a quote which said, "Give me a student for three hours and I will change his value system with the right kinds of questions and the right kinds of answers." He also said Mr. Feaver's children were probably strong enough to resist, but many children are not.

REP. WELLS said most of the Federal regulations are covered in HB 369 and he felt it was a workable bill. He stressed he was willing to work with Mr. Keedy on the wording. He also challenged the comment the problem was not widespread and said when HB 369 was heard in the House, people from all across Montana testified.

HEARING ON HB 431Opening Statement by Sponsor:

REP. DEBBIE SHEA, HD 35, Butte, said HB 431 was the request of Montana Association of School Business Officials (MASBO). She explained it was a housekeeping bill which clarified the portion of a school district general fund budget which required voter approval. REP. SHEA said it was no change from current law, does not affect HB 667 or cost the state anything.

Proponents' Testimony:

Loran Frazier, School Administrators of Montana (SAM), said HB 431 was basically a MASBO bill which was introduced to clarify what voters were voting on. He expressed support for HB 431.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

REP. SHEA thanked the committee for the hearing.

SEN. BARRY "SPOOK" STANG will carry HB 431.

{Tape: 2; Side: A}

EXECUTIVE ACTION ON HOUSE BILL 431

Motion/Vote: SEN. STEVE DOHERTY MOVED HB 431 BE CONCURRED IN.
Motion CARRIED BY UNANIMOUS voice vote.

HEARING ON HB 233

Opening Statement by Sponsor:

REP. DICK KNOX, HD 93, Winifred, said HB 233 was designed to solve problems which resulted when caps were placed on the number of K-12 school districts which could be created. REP. KNOX said HB 233 would allow districts to vote to close their high schools and consolidate with or annex to another district, but still remain K-8, i.e. the Roy district requires this option because it has the smallest high school in Montana and is considering dissolving, yet needs the ability to retain its K-8 school. He said HB 233 provides for an election, distribution of property, makeup of the board (in the event K-12 is dissolved and K-8 is retained), and tenure teachers. REP. KNOX said there may be more districts affected than the Roy district.

Proponents' Testimony:

Jim Baldwin, Superintendent of Schools, Roy, said there would be seven students in Roy High School for the next two years. He said a serious look was being taken at closing Roy High but it could not be done until HB 233 was in place because of the funding; 300 mills would be required to fund the K-12 district. He urged the committee's support of HB 233.

Loran Frazier, School Administrators of Montana (SAM), expressed support for HB 233, explaining a mechanism was created to form K-12 districts; therefore, it should be possible to dissolve them, if necessary.

Eric Feaver, Montana Education Association (MEA), expressed support for HB 233.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. STANG asked for explanation of how **HB 233** would work. **Kathy Fabiano, OPI**, said two years ago, a law was passed which said if a high school and elementary district had coterminous boundaries, they were required to become K-12; however, it did not envision a K-12 district, such as Roy, which would want to run only an elementary program. She said **HB 233** allows a K-12 district, with the approval of voters, to become an elementary district only.

Ms. Fabiano said the high school district, as in the case of Roy, would have to attach to another high school district. She explained in April the voters would have to approve the dissolution and one year later, consolidation or annexation would take place.

SEN. STANG asked if the existing board would be the K-8 board which would decide what happens to the K-12 assets. **Ms. Fabiano** said **HB 233** requires that be a part of the voter referendum.

SEN. HERTEL asked for affirmation of his understanding all the K-12 property would belong to the K-8 district; the high school portion would not be a part of the consolidating or annexing district. **Ms. Fabiano** said it was up to the voters to decide what to do with it.

SEN. JENKINS asked if Roy could consolidate with one, two or three districts; if so, would the high school levy be split according to how the territory was divided. **Kathy Fabiano** said it would, explaining the decision would be made prior to submission to the voters. **SEN. JENKINS** asked if the K-8 district would stay with the Roy district as an elementary. **Ms. Fabiano** said it would.

SEN. STANG asked if the Roy situation could become like the Springhill district, i.e. voters not allowed to vote for a high school trustee. **Ms. Fabiano** said she understood the vote for dissolution would happen this year but would not actually happen until next year. She said all the territory in the high school district would be assigned to another high school district.

SEN. JENKINS asked if there would be a trustee who would come with the territory. **Eddye McClure** said the Roy district would be attached which means they would be able to vote in the trustee election.

SEN. GAGE referred to Page 3, Line 10, and asked if the Superintendent of Public Instruction had such rules. **Eddye McClure** said **Title 20, Chapter 6, Part 7**, would have to be studied to determine how broad rulemaking authority is.

Closing by Sponsor:

REP. KNOX thanked the committee for the good questions and told them he believed both the questions and answers were addressed in

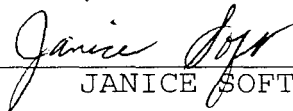
HB 233. He hoped the committee would see the need for HB 233 and encouraged their support.

ADJOURNMENT

Adjournment: The meeting adjourned at 5:40 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/jes

DATE _____

3/10/95

[illegible]


SEN:1995
wp.rollcall.man
CS-09


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1995

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration HB 431 (third reading copy -- blue), respectfully report that HB 431 be concurred in.

Signed: 
Senator Daryl Toews, Chair


SA Amd. Coord.
Sec. of Senate

Sen. Barry "Spook" Stang
Senator Carrying Bill

581012SC.SPV

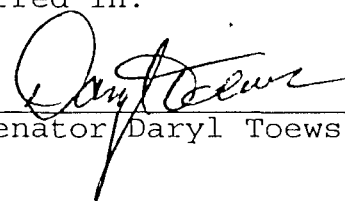
SENATE STANDING COMMITTEE REPORT


Page 1 of 1
March 13, 1995


MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration HB 434 (third reading copy -- blue), respectfully report that HB 434 be concurred in.

Signed: _____


Senator Daryl Toews, Chair


Amd. Coord.

 Sec. of Senate


Senator Carrying Bill

581010SC.SPV

§ 1232h. Protection of pupil rights

(a) Inspection of instructional materials by parents or guardians

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

(b) Limits on survey, analysis, or evaluation

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(c) Notice

Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) Enforcement

The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

- (1) there has been a failure to comply with such section; and
- (2) compliance with such section cannot be secured by voluntary means.

(e) Office and review board

The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

(As amended Pub.L. 103-227, Title X, § 1017, Mar. 31, 1994, 108 Stat. 268.)

Montana Parents Commission

Mr. Chairman, members of the committee, my name is Helena Lee, I am the coordinator of the Montana Parents Commission.

We urge your support of HB 369.

There probably is no more private relationship - except marriage - than that between parent and child.

HB 369 provides for the same protection of pupil rights and family rights and privacy, which was passed by the US Congress.

Only 6-7% of Montana educational dollars are from federal funds --- yet those students have protection from invasive and intrusive questions in classroom surveys, analysis and evaluations in which they participate.

Why is the state of Montana allowing these same questions to be asked by non-federally funded educational programs?

HB 369 allows for protection of pupil and family privacy regardless of the source of funding.

Written notification could be included in the annual school handbook or the annual school calendar.

Written notification could possibly be provided by School/Business Partnerships. Example: Independent Record Homework Hot Line, at no expense to the student, the taxpayer, the community or the caller.

I urge this committee DO PASS HB 369.

Helena Lee

Helena Lee, Coordinator
Montana Parents Commission





UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. 1232h, applies to most programs that receive funding from the U.S. Department of Education (ED). The law was amended under the "Goals 2000: Educate America Act" on March 31, 1994. The Department is currently writing new regulations to reflect the change in the law.

PPRA is intended to protect the rights of parents and students in two ways:

- o It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in an ED-funded survey, analysis, or evaluation in which their children participate; and
- o It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:
 - (1) political affiliations;
 - (2) mental and psychological problems potentially embarrassing to the student or his family;
 - (3) sex behavior and attitudes;
 - (4) illegal, anti-social, self-incriminating and demeaning behavior;
 - (5) critical appraisals of other individuals with whom respondents have close family relationships;
 - (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
 - (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or students who believe their rights under PPRA may have been violated may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.

Complaints alleging violation of PPRA must show that the following conditions appear to exist:

- (1) The development and/or administration of the survey, analysis, or evaluation is ED funded, in whole or in part;

regarding federal programs

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

34 C.F.R. Part 99

SUBPART A—GENERAL

Sec.

- 99.1 To which educational agencies or institutions do these regulations apply?
- 99.2 What is the purpose of these regulations?
- 99.3 What definitions apply to these regulations?
- 99.4 What are the rights of parents?
- 99.5 What are the rights of students?
- 99.6 What information must an educational agency's or institution's policy contain?
- 99.7 What must an educational agency or institution include in its annual notification?

- 99.61 Office and to the Office of Administrative Law Judges?
- 99.62 What responsibility does an educational agency or institution have concerning conflict with State or local laws?
- 99.63 What information must an educational agency or institution submit to the Office?
- 99.64 Where are complaints filed?
- 99.65 What is the complaint procedure?
- 99.66 What is the content of the notice of complaint issued by the Office?
- 99.67 What are the responsibilities of the Office in the enforcement process?
- 99.68 How does the Secretary enforce decisions?

* Authority: 20 U.S.C. 1232g, unless otherwise noted. *
Source: 53 FR 11943, Apr. 11, 1988, unless otherwise noted.

SUBPART B—WHAT ARE THE RIGHTS OF INSPECTION AND REVIEW OF EDUCATION RECORDS?

- 99.10 What rights exist for a parent or eligible student to inspect and review education records?
- 99.11 May an educational agency or institution charge a fee for copies of education records?
- 99.12 What limitations exist on the right to inspect and review records?

EXHIBIT 2
DATE 3-10-95
HB 369

SUBPART C—WHAT ARE THE PROCEDURES FOR AMENDING EDUCATION RECORDS?

- 99.20 How can a parent or eligible student request amendment of the student's education records?
- 99.21 Under what conditions does a parent or eligible student have the right to a hearing?
- 99.22 What minimum requirements exist for the conduct of a hearing?

SUBPART D—MAY AN EDUCATIONAL AGENCY OR INSTITUTION DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS?

- 99.30 Under what conditions is prior consent required to disclose information?
- 99.31 Under what conditions is prior consent not required to disclose information?
- 99.32 What recordkeeping requirements exist concerning requests and disclosures?
- 99.33 What limitations apply to the redisclosure of information?
- 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?
- 99.35 What conditions apply to disclosure of information for Federal or State program purposes?
- 99.36 What conditions apply to disclosure of information in health and safety emergencies?
- 99.37 What conditions apply to disclosing directory information?

SUBPART E—WHAT ARE THE ENFORCEMENT PROCEDURES?

- 99.60 What functions has the Secretary delegated to the

Mr. Chairman and members of the Senate Education Committee:

I am a native Montanan, a grandmother, a retired teacher after twenty-six years in the public school system, twenty-four of which were in one district in Montana, and a member of the Belgrade Board of Trustees.

In the past, Montana did not feel the need for a law protecting the right to privacy for anyone, because we had the U.S. Constitution, and we inherently respected the rights, and particularly the right to privacy, of our fellow Montanans. However, times are changing.

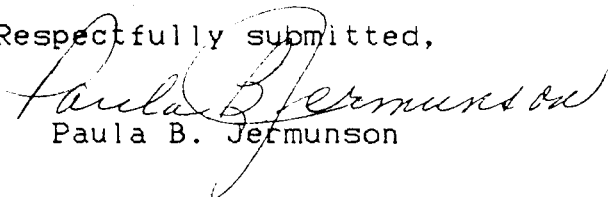
In respect to this right to privacy for parents and students, the main complaint I have heard from teachers is that parents would be opting their children out of "sex ed and everything." If a parent or parents feel that something is going to be taught in school to which they have an objection, be it concerning values or religious tenets, they should have the right to opt their children out. After all, the children belong to the parents who have the primary responsibility for the education of these children. The children are not the property of the state!

In the twenty-four years I taught in one district, I know of only one time children were opted out of any class, but, as I said, times are changing. If the fear of parents opting their children out is so strong, perhaps the class and the many questionnaires which ask personal questions that invade the privacy of the family and the students should be opted out of the curricula in favor of spending the time on basic learning that the parents think their children should have. This might lead to the SAT scores going up instead of down.

The education bureaucracy has a regrettable habit of forgetting that the students and their parents are the ones that pay the taxes that provide this bureaucracy with its livelihood.

Please, give the students and parents the protection of a law to allow them to protect their privacy and the sanctity of their families and values.

Respectfully submitted,


Paula B. Jermunson

TESTIMONY IN SUPPORT OF HB 369
March 10, 1995

Mr. Chairman and Members of the Education & Cultural Resources Committee:

We Montanans are known for our individualism. We look at issues, consider the facts and make our own decisions. We are not afraid to stand alone for the right reasons. That is why I urge you to **support HB 369**, the "Montana Family Educational Rights and Privacy Act".

Some teachers are concerned that **HB 369** would restrict their rights. They believe **HB 369** would make it illegal for them to report suspected instances of child abuse, fearing that doing so would invade a student's right to privacy. But Montana's Child Abuse, Neglect and Dependency statutes guarantee that a teacher **has** and **must report** suspected instances of abuse. This law, then, protects a teacher's rights. But what about the student's rights to privacy?

Having good teachers has **not** protected my children from having their privacy invaded. My middle school-aged child has been assigned questionnaires asking such questions as: "How often do you feel tense or anxious?"; "How often do you exceed the speed limit?"; "Have you ever smoked or chewed tobacco?" "Do you use drugs? How often?"; and "Are you satisfied with your life right now?".

My elementary-aged child has been given work sheets requiring written responses on the following topics. "The biggest quarrel I ever had with my brother/sister happened when..."; "[Write] a story about one time [you] got very angry. Tell how it started and who it involved."; "If [you] could change one thing about [yourself] what would it be?..."; and "Did you ever disobey your parents? Why?"

However well-intentioned the teachers were in giving these assignments, the requested information is nonetheless personal and violates my children's right to privacy. The passage of **HB 369, The Montana Family Educational Rights and Privacy Act**, will protect the privacy of all Montana students.

Mr. Chairman, Members of the Education and Cultural Resources Committee, I urge you to **support HB 369**. Thank you for the opportunity to address this most vital and critical issue.

Barbara LaRue
1509 Cannon
Helena, MT 59601

What Do You Think?

1. What was the reason Mrs. Rabbit gave Peter and his sisters for staying out of Mr. McGregor's garden?



Please!

Protect Montana's students' privacy rights so they don't have to answer questions like these.

Support HB 369

6. Do you ever disobey your parents? yes

Why? SOME + times

I just bow.



April

My Emotions 37

THE ANGRY ME



1. Three things that really make me mad are:

EXHIBIT

4

DATE

3-10-95

HB 369

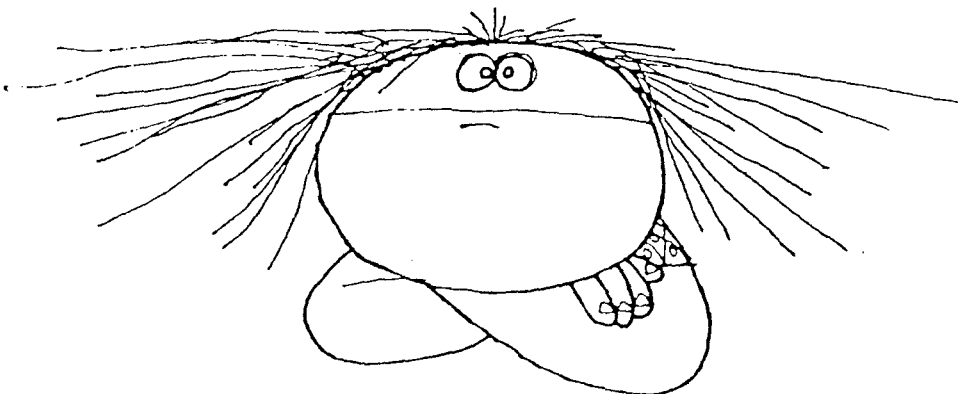
a. _____

b. _____

c. _____

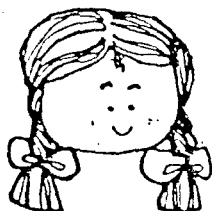
2. When I lose my temper I _____

3. Here is a story about one time I got very angry. (How did it start? Who did it involve? How did you handle it?)



MY BROTHERS AND SISTERS

1. I have a sister named _____ Age _____



_____ Age _____

_____ Age _____

2. I have a brother named _____ Age _____



_____ Age _____

_____ Age _____

3. The ways in which we are most alike are: _____

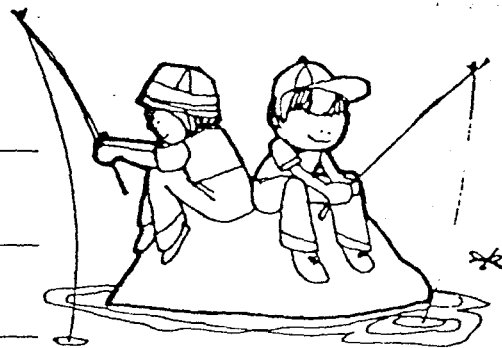
4. The ways in which we are most different are: _____

5. Three things I enjoy doing with my brother/sister are:

a. _____

b. _____

c. _____



6. The biggest quarrel I ever had with my brother/sister happened when _____

34 April

My Emotions

MY FEELINGS

These are a few sentences telling about one time I felt very ...

EXHIBIT 4
DATE 3-10-95
HB 369

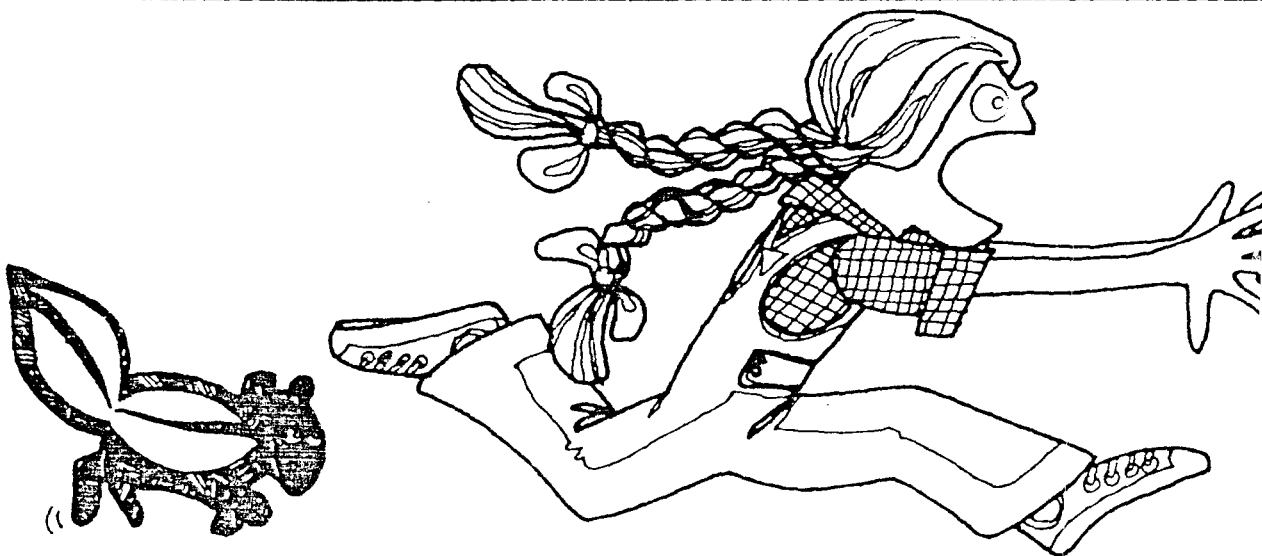
1. EXCITED _____

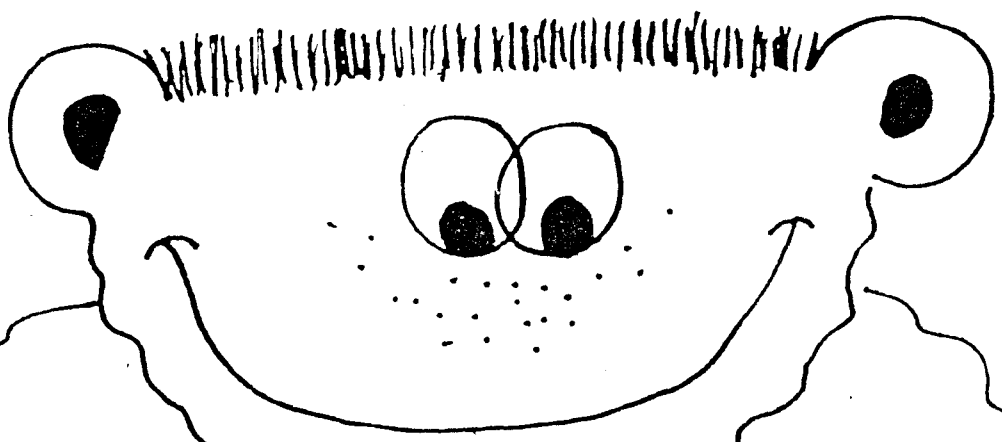
2. LOVED _____

3. JEALOUS _____

4. LONELY _____

5. FRIGHTENED _____





change

If I could change one thing about myself I would....

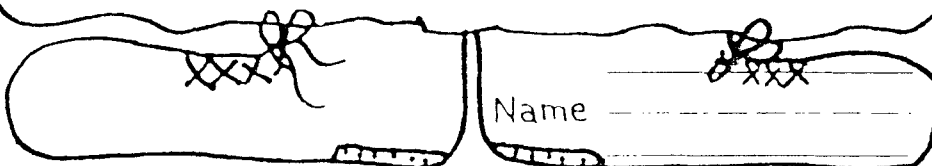
If I could change one thing about my family I would....

The one thing I would most like to change about school is....

The biggest problem in the world is....

If I were the President of the United States I would change....

If I could change my name it would be....



Name _____

EXHIBIT 4
 DATE 3-10-95
 HB 369

*10% grade
 questionnaire*

3. If you drive a car, how often do you exceed the speed limit by 10 mph or more?

- A. I never drive or ride with someone exceeding the limit by more than 10 mph. (3)
- B. I rarely drive or ride with someone exceeding the limit by more than 10 mph. (2)
- C. I sometimes drive or ride with someone exceeding the limit by 10 mph or more. (1)
- D. I often drive or ride with someone exceeding the speed limit by 10 mph or more. (0)

4. If you are a passenger on or drive a motorcycle, how often do you wear a helmet?

- A. Always or I don't ride on or drive motorcycles (3)
- B. Sometimes (2)
- C. Rarely (1)
- D. Never (0)

5. If you ride a bike, walk, or jog at night, how often do you wear light clothing or reflective clothing?

- A. Always or I don't ride, walk or jog at night (3)
- B. Sometimes (2)
- C. Rarely (1)
- D. Never (0)

6. Have you ever been under the influence of drugs or alcohol when you were swimming or boating?

- A. Never or I don't swim or boat (3)
- B. Once or twice (2)
- C. A few times (1)
- D. Frequently (0)

7. Which of the following describes your experience with hitchhiking?

- A. I never hitchhike or pick up hitchhikers. (3)
- B. I seldom hitchhike or pick up hitchhikers. (2)
- C. I sometimes hitchhike or pick up hitchhikers. (1)
- D. I frequently hitchhike or pick up hitchhikers. (0)



Photo: CLEO Freelance

More and more evidence is supporting the connection between diet and good health. What we choose to eat may have significant bearing on our health later in life, as well as on how we feel today. Rate your nutrition habits as honestly as possible.

What do you eat?

8. How often do you choose foods from the four food groups for each meal?

(The four food groups are: meat, which includes fish and poultry; milk; fruits and vegetables; and bread and cereal.)

- A. Every day (3)
- B. 5 to 6 days each week (2)
- C. 2 to 4 days each week (1)
- D. 0 to 1 day per week (0)

9. How many days in a typical week do you eat breakfast?

- A. Every day (3)
- B. 5 to 6 days per week (2)
- C. 2 to 4 days per week (1)
- D. 0 to 1 day per week (0)

10. How often do you snack on foods high in salt?

- A. Never (3)
- B. Seldom (2)
- C. At least three times a week (1)
- D. 4 to 5 times a week or more (0)

Drugs and alcohol can pose a significant threat to health. The following section asks you to rate your use of these substances.

How about tobacco, drugs, and alcohol?

23. Which statement best describes your smoking history and habits?

- A. I have never smoked (other than once or twice to experiment). (4)
- B. I used to smoke but I've quit. (3)
- C. I smoke one pack per week or less. (2)
- D. I smoke one-half to one pack per day. (1)
- E. I smoke more than one pack per day. (0)

24. What statement best describes your chewing tobacco history?

- A. I have never used it or tried it once. (3)
- B. I use it about once a week. (2)
- C. I use it more than once a week but not daily. (1)
- D. I use it daily. (0)

25. Which statement best describes your alcohol consumption?

- A. I do not drink or have quit. (4)
- B. I drink once or twice a month. (3)
- C. I drink one day a week. (2)
- D. I drink two or three days a week. (1)
- E. I drink more than three days a week. (0)

26. If you drink, how much do you consume on each occasion when you drink? (A drink is one beer, one glass of wine, or one mixed drink containing one 1-ounce shot and 5 ounces of mix.)

- A. One to two drinks per occasion or I don't drink (3)
- B. Three to four drinks per occasion (2)
- C. Five to six drinks per occasion (1)
- D. Seven drinks or more per occasion (0)

27. Which of the following describes your use of marijuana?

- A. I don't use it or have quit. (3)
- B. I use it once or twice a month. (2)

C. I use it one to two times a week. (1)

D. I use it three times a week or more. (0)

28. Which describes your use of other drugs, such as cocaine, LSD, narcotics, depressants, or stimulants?

- A. I don't use any of these drugs. (3)
- B. I use drugs one to two times per month. (2)
- C. I use drugs one to two times per week. (1)
- D. I use drugs three to four times per week or more. (0)

29. Do you ever use other drugs and alcohol together?

- A. No (3)
- B. Seldom (2)
- C. Sometimes (1)
- D. Often or always (0)

Photos: CLEO Freelance



A view of your mental health

Statistics reveal that one of the major causes of death for teens is suicide, often following a period of depression. The next series of questions is designed to examine your mental health, and to help you determine your level of satisfaction with your life at this time.

30. How often do you feel tense or anxious?

- A. Never (4)
- B. Occasionally (3)
- C. Sometimes (2)
- D. Frequently (1)
- E. All the time (0)

31. In general, how satisfied are you with your life right now?

- A. Very satisfied (4)
- B. Mostly satisfied (3)
- C. Somewhat satisfied (2)
- D. Not satisfied at all (1)
- E. Discouraged (0)

32. In the past six months, have you had feelings that life isn't worth living?

- A. No (4)
- B. Yes, but rarely (3)
- C. Yes, occasionally (2)
- D. Yes, often (1)
- E. Yes, daily (0)

33. Have you suffered a serious personal loss or misfortune in the past year?

- A. No (3)
- B. Yes, one (2)
- C. Yes, two (1)
- D. Yes, more than two (0)

34. How much control do you feel you have over your future?

- A. A great deal (4)
- B. Quite a bit (3)
- C. Some control (2)
- D. A little control (1)
- E. No control (0)

35. When you feel under stress or discouraged, is there someone you feel you can talk to?

- A. Yes, and I talk to them. (4)
- B. Yes, and I usually talk to them. (3)
- C. Yes, I talk with them about 50 percent of the time. (2)
- D. Yes, but I don't usually talk to them. (1)
- E. No, there isn't anyone, so I keep inside. (0)

What do you know about your health history?

Some of the disorders people can develop are hereditary. Heart disease, diabetes, and some forms of cancer may be more prevalent in some families than in others. These questions ask you to find out a little about the health histories of people in your family. In all cases, consider only those people to whom you are related by blood.

36. What is your family history of cardiovascular disease (CVD), including heart attacks and strokes?

- A. No relatives have had CVD. (4)
- B. One relative had CVD over age 60. (3)
- C. Two relatives had CVD over age 60. (2)
- D. One relative had CVD under age 60. (1)
- E. Two or more relatives had CVD under age 60. (0)

37. What is your family history of breast cancer (girls only)?

- A. No immediate family history of breast cancer (4)
- B. Sister has had breast cancer (3)
- C. Mother has had breast cancer (2)
- D. Both mother and sister have had breast cancer (1)
- E. Both mother and sister have had breast cancer (0)

38. What is your health history of diabetes?

- A. No relatives have had diabetes. (4)
- B. One relative has had diabetes. (3)
- C. Two relatives have had diabetes. (2)
- D. Three relatives have had diabetes. (1)
- E. Four or more relatives have had diabetes. (0)



Cross-References

Educational goals and duties — recognition of Indian cultural heritage, Art. X, sec. 1(2), Mont. Const.

Disclosure of confidential child abuse records to child protective team, 41-3-205.

Duty to strengthen child welfare services, 52-2-112.

Department of Family Services — child rehabilitation, 52-2-113.

Part 2**Reports and Investigations**

41-3-201. Reports. (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected, they shall report the matter promptly to the department of family services or its local affiliate, which then shall notify the county attorney of the county where the child resides.

(2) Professionals and officials required to report are:

(a) physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;

(b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;

(c) Christian Science practitioner and religious healers;

(d) school teachers, other school officials, and employees who work during regular school hours;

(e) a social worker, operator or employee of any registered or licensed day-care or substitute care facility, or any other operator or employee of a child-care facility;

(f) foster care, residential, or institutional worker;

(g) a peace officer or other law enforcement official; or

(h) clergy.

(3) Any person may make a report under this section if he knows or has reasonable cause to suspect that a child is abused or neglected.

(4) (a) Except as provided in subsection (4)(b) or (4)(c), a person listed in subsection (2) may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

(b) A clergyperson or priest is not required to make a report under this section if:

(i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the clergyperson or priest in his capacity as a clergyperson or priest;

(ii) the statement was intended to be a part of a confidential communication between the clergyperson or priest and a member of his church or congregation; and

(iii) the person who made the statement or confession does not consent to the disclosure by the clergyperson or priest.

(c) A clergyperson or priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

(5) The reports referred to under this section shall contain:

March 10, 1995

Mr. Chairman and members of the Committee,

I strongly support HB369 because it addresses privacy, protection and consent. Why does Montana need such a law?

Because our son was only eight years old when we discovered that he was required to answer, in writing, very personal questions about himself and our home life. The questions were from two different school projects, a "Month-to-Month Me" booklet, and his journal. As parents, we were not told what questions would be asked, and we had not given our consent because the school is not currently required to obtain it.

These are some of the actual questions he had to answer, and as I read them, ask yourself how you would feel answering them, or if you would like your child answering them;

- * If you could change one thing about your family, what would it be?
- Name something that only your closest friends know about you.
- What happens to you when you break a rule at home?
- Who do you feel closest to in your family and why?
- Who is in charge of your home?
- How do you feel about cutting down trees to make paper?
- If you were in charge of your home, what would you do?

I'm sure you would agree that;

1. These questions are not appropriate. By law, an adult does not have to divulge this type of information to an employer, but currently, our children are not afforded such protection. A child is more vulnerable because of their innocence and because of the nature of the student-teacher relationship.
2. The child is not learning anything. After all, he already knows about himself and his family.
3. This is an invasion of family privacy.
4. Working on these projects is a complete waste of valuable academic time. Neither project is graded so there are no papers sent home to mom and dad, and most parents would not see this until the end of the school year.

It is sad that Montana needs to consider such a bill, but I think we should all be wondering why our public schools would be asking such questions. I think we should be disturbed that elementary students are required to analyze themselves and their family. And, I wonder why teachers would use valuable academic time for such questioning when they are strapped for time to cover their curriculum materials.

This bill would require notification to the family and allow the child's own parents to decide whether or not their children should participate in answering any invasive questions. This experience has certainly been a "wake-up" call for us. We trusted the school to teach our children academic subjects. And had we been given prior notice about these questions, we would not have allowed our son to participate.

Thank you for your time and consideration. What a wonderful gift every child in Montana could receive if this bill becomes law.

Kathy Collins

- * Questions from our son's school journal. To protect his privacy, we have not submitted copies of the pages because they contain his answers.

Hi, my name is Bryan
Collins.

SENATE EDUCATION

EXHIBIT NO. 6

DATE 3/10/95

BILL NO. HB 369

I am 10 years old. I have
been doing journals since
I was six. At first I
didn't do much, but as the
grades increased we had
to do more and share our
answers.

I didn't like doing
journals but our teacher said
we had to do it. It made
me feel embarrassed and
uncomfortable answering
questions about me or my
family.

#1

One of the questions was
"Who do you like best in your
family?"

#2. I have nothing to do
mathematics, spelling or
any of that stuff.

#3. And it is none of
their business.

House Education Committee
Capitol Station
Helena, MT 59620

February 5, 1995

SENATE EDUCATION

EXHIBIT NO. 7

DATE 3/10/95

BILL NO. HB 369

Dear Members of the Committee,

As a public high school teacher and as a parent of two school-age children, I am most concerned about HB 369. I believe that public schools serve the public best when they concentrate on teaching academic subject matter and avoid the pitfalls of social engineering that is part and parcel with Outcome Based Education. I believe education should be inductive, teaching about things and letting students develop their own opinions and reaching their own conclusions. I do not believe public education should be deductive, teaching attitudes, values, opinions and conclusions, and then manipulating curricula to fulfill these predetermined goals. Such a practice is tantamount to brainwashing and should not be part of a free society's educational plan.

Rather, a free "market-place of ideas" should be encouraged. Students need to first learn data and information, second learn thinking and processing skills, and then begin to reach their own conclusions and form their own opinions. Schools should not be prescribing these conclusions.

I am convinced that many of the surveys, tests, treatments and programs being used in the schools today are entry-level attempts at social engineering of students' attitudes and values away from the attitudes and values held by many American families. Such is certainly true of comprehensive health education! For all such invasive and manipulative procedures, I believe parents most definitely should have the right to preview the materials to be used, and (if they agree) "opt-into" that procedure. Schools should have no right to invade the privacy of the family nor to impose their "politically-correct" attitudes and opinions on their captive audience.

I encourage this Committee to trust parents to do what is right and best for their own children. Please support this Bill and do all you can to encourage its adoption. Maybe then, schools can get back to doing what they do best--teaching, not manipulating!

Sincerely,

Steve Handley
1702 Avenue F, Billings, Mt

SENATE EDUCATION

EXHIBIT NO. 8

DATE 3/10/95

BILL NO. HB 369

Mr. Chairman and members of the committee,

My name is Barbara Rush and I have been teaching for seventeen years. I have taught in Special Education Federal programs and and also in 4th and 5th grade as a regular education teacher. I am currently teaching 4th grade here in Helena. I am also a mother of two teenage children who attend public school.

I am here today to speak in support of House Bill 369 the Montana Family Educational Rights and Privacy Act. I support this bill because I believe in the inherent right of the parent over their children. I believe that these rights unquestionably supercede any rights of the schools in the education of the child. It is quite telling that people who repeatedly request and advocate more parental participation in education are in opposition to this bill.

Although it is very sad that this kind of legislation should be necessary, I believe it is. As a mother I am appalled that my daughters sophomore english class is filled with social engineering and environmentalism rather than english. Day after day she is subjected to this, and day after day she doesn't get to learn about the literature and the great authors that she craves to learn about.

The federal protection of pupil rights amendment has been in effect for over a year and most teachers do not even know about it. I don't think a state law that allows parents to know what is being taught in school will cause any hassle or lawsuits either. It may serve to inform parents that they

have the right to know. It also may give the parents a right to remove their child from a curriculum they disagree with. I might be able to have my daughter in the library reading real literature and writing her thoughts about it instead of being indoctrinated daily with values our family does not agree with.

Thank you for your time and the hard work you do here on our behalf.

Mr. Chairman, members of the committee, my name is Amy Orser. I am the mother of two children and am a former teacher. Thank you for this opportunity.

I enthusiastically encourage you to support HB369. The bill simply follows the federal PPRA which was passed by Congress, the Senate unanimously, in 1994. Unfortunately, many teachers have not been informed of this law so some confusion exists. The only difference between the federal PPRA and HB369 is that the federal law protects students against invasive surveys analysis, or evaluations if those programs are funded by federal dollars. HB 369 extends the protection to students and families no matter what the funding source.

What does faith mean to you? Can you describe your philosophy of life based on your faith? These are questions recently asked of high school Spanish students?

List 8 of your favorite people then cross off two until you have only two names remaining. This was an exercise my junior high school child had to participate in. When she told the teacher the last two names on her list were her parents, she was told to cross one off.

Would you like to do this? Would you as a teacher want to do this?

HB369 would extend an opportunity to parents to protect their children from non-academic and invasive questions. It puts responsibility for children where it belongs and that's with the parents of those children.

I urge you to pass HB 369 to put the emphasis where it belongs- on academics and the preparation of our student for their future. Thank you.

Mr Chairman, members of the committee:

For the record, my name is Laurie Koutnik, Executive Director of Christian Coalition of Montana, our states largest family advocacy organization with 26,000 households represented across our state, and I rise in support of HB 369.

I've been here long enough to know that if someone wants a good bill to die, they just start a misinformation campaign about it. Somewhere in the in the process, they'll confuse enough good people to bring it down and that's what's happening here on Rep. Wells' bill. Because of what I stand for as a Christian, I'm not allowed to deal in untruths. That is why I want to set the record straight on where this bill came from, what it will address, and how important it is for parents and students all over this state.

Back in December of 1993, Senator Grassley, a Republican Congressman from Iowa introduced this exact amendment language into then S.1150, The Educate America Act, better known as Goals 2000, because parents were concerned about the impact federal government intervention into local education systems. Sen. Grassley's amendment is here in its entirety, as I requested a copy from his staff at that time. In speaking with his office, I was told that the previous Hatch Act placed on the parents the burden of proving that any psychological testing or invasion of personal privacy had occurred with their child against their wishes. What Sen Grassley's amendment did was to incorporate a pro-active approach which allowed parents to notify schools in advance that it was against their wishes to allow their children to participate in these activities without parents giving consent. It made schools responsible to parents to notify them in advance of such activities that were being financed by federal dollars. Given this is a reasonable request, the Senate unanimously passed the Grassley amendment on a 93 to 0 vote on February 8, 1994 at 11:15 a.m.

There is nothing sinister in HB 369. It is merely putting in place on a state level the same request in regards to state tax dollars that fund education as what is afforded parents on federal tax dollars . . . the right to decide for themselves if they will allow for the psychiatric or psychological examination, testing, test, or any project, that involves surveying, analyzing, or evaluating the personal values, attitudes, beliefs, or sexual behavior of a student, taking place without the written consent of an emancipated minor, the student's parent or guardian, after they have been informed of the purpose of the activity. I have enclosed a copy of the amendment and its purpose statement for each of you to review. In fact it was Sen. Grassley himself who has encouraged citizens all over the country to enact the same measure on a state by state by state basis to address full protection for parents in regards to decisions concerning their children. Many states have already done so, while others are addressing the same purposal right about now. This makes total sense.

In fact, we currently allow these same courtesies to parents whose children are in Special Ed. Why wouldn't we want to do the same for all the other children who are in regular classroom settings?

In passing HB369, you are not coming under federal regulation. You are allowing those parents who wish to be notified of this protection for their children. In fact, you could be saving districts

from unnecessary lawsuits for grievances filed in this regard. It covers those sensitive and not always defined lines. Parents entrust their children to teachers to teach, and we in no way want to violate that trust. Parents are too important in the education equation of their children to in any way alienate them. If there is one thing I constantly hear from educators it is, "We want parents to be involved. How can we get them involved in their children's education?" Then why wouldn't we want to inform them or at least extended the courtesy of knowing beforehand. That's all. This is not cost prohibitive. It is not any more time consuming then other forms that must be given out. If there is a reluctance on educations part to participate, is it real or are they trying to protect an assumed right they've never had . . . to engage in activities with our children that they know we would not approve of them to do?

Give parents and students the protection they are asking at a time when confidence in their government is so lacking. Please pass HB 369.

Respectfully submitted 3/10/95
Laurie Koutnik

PARENTAL RIGHTS RESTORATION AMENDMENT TO GOALS 2000

I. A series of Supreme Court decisions established that parents have chief responsibility for the upbringing and education of their children. (See Meyer v. Nebraska, 262 U.S. 390 (1923), Pierce v. Society of Sisters, 268 U.S. 310 (1925), and Farrington v. Tokushige, 273 U.S. 284 (1927)).

II. State and local control of education is important; but, the epitome of local control is parental involvement.

III. There are many examples of value-laden activities taking place without parental knowledge or consent.

IV. Current law is inadequate to protect parents and children.

A. Because the regulations effectuating the "Protection of Pupil Rights Amendment," Section 439 of the G.E.P., place an undue burden on parents. To be protected under the Act, parents must prove:

1. The Development and/or administration of the program is supported by U.S. Department of Education funds.

2. The offensive activity meets the definition of research or experimentation program or project.

3. They have tried to resolve the conflict at the local level.

If these conditions appear to exist, parents must additionally prove the following before the Family Compliance Office will investigate:

1. The specific, offensive activity is funded with Department of Education funds.

2. Their child is directly affected by the activity.

3. The activity meets the definition of psychiatric or psychological examination, test, or treatment.

4. The primary purpose of the offensive activity is to reveal private information protected under the Act.

5. Written consent was not obtained.

B. Because of the limited scope of the Act.

In response to a mother's letter requesting knowledge and consent before her child was involved in value-laden activities, one superintendent wrote, "Both the mentor Board and staff are committed to full compliance with all applicable laws governing the district. However, we cannot and will not modify our entire approach to education in the district based upon a Federal statute which has only limited application to our program." (emphasis added)

V. The Grassley amendment empowers parents by requiring knowledge and consent before their child participates in activities involving personal values, attitudes, beliefs, or sexual behavior.

VI. The Grassley amendment is not unduly burdensome to school districts because it does not tell school districts how they are to gain written consent from parents.

VII. True education reform will foster the family as the most basic unit of our society. In fostering parental involvement, education will strengthen children to learn and become fruitful citizens.

12-17-93 11:33AM

FROM SEN. GRASSLEY DC

TO 316148663256

P004/004

O:\SIG\SIG93.844

S.L.C.

2

1 (1) in which psychiatric or psychological exam-
2 ination, testing, treatment, or any project, that in-
3 volves surveying, analyzing, or evaluating the per-
4 sonal values, attitudes, beliefs, or sexual behavior of
5 a student, takes place without the written consent
6 of—

7 (A) such student (in the case of a student
8 who is an adult or an emancipated minor); or

9 (B) such student's parent or guardian (in
10 the case of a student who is an unemancipated
11 minor),

12 after such student, parent, or guardian has been in-
13 formed of the purpose of such examination, testing,
14 treatment, or project; and

15 (2) unless the parent or guardian of a student
16 (in the case of a student who is an unemancipated
17 minor) is given access to any curriculum, materials,
18 or information regarding activities relevant to the
19 development or assesament of personal values, atti-
20 tudes, beliefs, or sexual behavior of such student
21 prior to the implementation of such curriculum, use
22 of such materials, or occurrence of such activities.

O:\SIG\SIG99.856

S.L.C.

EXHIBIT 11
DATE 3-10-95
1 HB 369

AMENDMENT NO. _____

Calendar No. _____

Purpose: To prohibit the use of funds for activities related to a student's personal values, attitudes, beliefs, or sexual behavior without certain consent, notification, and access to information.

IN THE SENATE OF THE UNITED STATES—103d Cong., 1st Sess.

S. 1150

To improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY

Viz:

- 1 At the end of title IV, insert the following:
- 2 SEC. ____ PROHIBITION.
- 3 No funds shall be made available under this Act to
- 4 any State educational agency, local educational agency, or
- 5 school—

(c) and who ensure that placement decisions are made in the least restrictive environment.

3. have your child fully reevaluated at least every three years or more frequently if conditions warrant or if you or your child's teacher request it.

4. to request an independent educational evaluation at public expense if you disagree with the educational evaluation provided by the school district. The school district must provide you with information upon request as to how and where to obtain an independent evaluation and what criteria for the evaluation applies.

(a) Before paying for such evaluation, the school district must initiate a due process hearing to show that its evaluation is appropriate.

(b) If a due process hearing officer requests an independent educational evaluation as part of the hearing, the cost of the evaluation must be at public expense.

(c) If the final decision in the hearing is that the school district's evaluation is appropriate, you still have the right to an independent educational evaluation but not at public expense.

(d) If you obtain an independent educational evaluation at your own expense, the school district must consider the results of the independent educational evaluation in any decision it makes about your child's educational program. You may present the results of an independent educational evaluation at a due process hearing.

LEAST RESTRICTIVE ENVIRONMENT

You have the right to:

1. have your child educated to the maximum extent appropriate with children who do not have disabilities.

2. have your child removed from the regular educational environment only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3. have a continuum of supplementary services and alternative placements available to meet the needs of your child.

4. have your child participate, to the maximum extent appropriate to the child's individual needs, with children without disabilities in extracurricular activities including meals and recess periods.

5. have your child educated in the school which he or she would attend if not disabled unless the individualized education program (IEP) requires some other arrangement.

6. have your child's educational placement based upon his or her individualized education program (IEP) and determined at least annually.

SURROGATE PARENTS

1. The school district must ask the Youth Court to appoint a surrogate parent when:

(a) no parent can be identified;

(b) no parent can be discovered after reasonable efforts;

(c) the child is a ward of the state.

2. The surrogate parent protects the rights of the child and may represent the child in all matters relating to a free appropriate public education including identification, evaluation and educational placement.

3. A surrogate parent shall have no interest that conflicts with the interest of the child he or she represents, have knowledge and skills that ensure adequate representation and shall not be an employee of any agency involved in the care or education of the child.

REQUESTING A SPECIAL EDUCATION DUE PROCESS HEARING

Your child with disabilities has a right to a free appropriate public education. At times, you may disagree with the school district's identification, evaluation or proposed placement of your child. Every attempt should be made to resolve these differences with the local school district as soon as they arise. If they cannot be resolved, you may request a due process hearing. To request a due process hearing, please write to the State Superintendent of Public Instruction, State Capitol, Helena, Montana 59620. The letter shall include a clear and concise statement of the exact nature of the disagreement. The letter must be signed and dated.

DUE PROCESS HEARING

You have the right to:

1. initiate a due process hearing on any matter relating to the proposal or refusal of a school district to initiate or change the identification, evaluation, educational placement or free appropriate public education of your child.

2. have the hearing conducted by an impartial hearing officer who is not employed by a public agency involved in the education or care of your child or who may have a personal or professional conflict of interest.

3. have the hearing scheduled at a time and place reasonably convenient to you and your child. During the hearing procedures, you have the right to:

(a) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to problems of children with disabilities;

(b) present evidence and confront, cross-examine and compel the attendance of witnesses;

(c) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days prior to the hearing;

(d) obtain a written or electronic verbatim record of the hearing;

(e) open the hearing to the public if you desire;

(f) have the child present during the hearing;

(g) obtain written findings of fact and decisions no later than 45 days after request of the hearing unless waiver of timelines is granted by hearing officer at the request of either party.

4. be informed of any free, low-cost legal or other relevant services if you request the information or you or the school district initiates a due process hearing.

5. have your child remain in the present educational placement unless you agree in writing to other arrangements. If the dispute is over initial admittance to school, you have the right to have your school-aged child placed in a public school program with your consent until the hearing proceedings are over.

6. appeal the decision to court or bring civil action. The school district also has the right of appeal. If you prevail in any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees.

Parental Rights in Special Education



SENATE EDUCATION

EXHIBIT NO. 12

DATE 3/10/95

HB 369

Office of Public Instruction
Nancy Keenan, Superintendent

August 1993

Rev. 8/93

Parental Rights in Special Education Office of Public Instruction

As the parent of a child who may receive special education, you have certain rights which are guaranteed by state and federal law. These rights are listed in this brochure. If you would like a full explanation of them, please contact your local school district superintendent or director of special education or the Division of Special Education in the Office of Public Instruction, Helena, Montana 59620 (406) 444-5661.

Both you and the school district share in the education of your child. If you or the school have concerns about the education of your child, you and your child's teacher should hold early and open discussions about the issues. You are urged to become actively involved in the development of your child's Individualized Education Program (IEP).

NOTICE

You have the right to:

1. receive a written notice a reasonable time before the school district **PROPOSES** or **REFUSES** to initiate or change the identification, evaluation or educational placement of your child or the provision of a free appropriate public education to your child. The notice shall include:
 - (a) a full explanation of all of the procedural safeguards available to you under Education of the Handicapped Act Subpart E.
 - (b) a description of the action proposed or refused by the school district including:
 - (i) an explanation of why the action is proposed or refused;
 - (ii) a description of any options the school district considered;
 - (iii) a description of the reasons why those options were rejected;
 - (iv) a description of each evaluation procedure, test or record used as a basis for the action proposed or refused;
 - (v) a description of any other factors relevant to the school district's decision.

2. receive this notice in writing at a level understandable to the general public and provided in your native language or other principal method of communication. If your method of communication is not a written language, you have the right to

have the notice translated orally or provided by other means. The school district must keep written documentation that you received this notice.

CONSENT

You have the right to:

1. give written consent before a school initially evaluates your child or initially places your child in a special education program.
2. give written consent for annual placement in special education programs.
3. refuse or revoke consent.
4. be informed that, except for initial evaluation, initial placement, and annual placement, parental consent may not be required as a condition of any benefit to the parent or child.

5. be informed that if you refuse consent, including consent for annual placement, the school district must take appropriate action, which may include the initiation of a hearing, to determine if your child may be evaluated or provided special education without your consent. If the hearing officer upholds the school district, an initial evaluation or initial special education program may be provided subject to your right to due process.

Consent means that you have been fully informed of all information relevant to the activity for which consent is sought and that written consent is voluntary and may be revoked at any time.

RECORDS

You have the right to:

1. inspect and review all education records with respect to the identification, evaluation and educational placement of your child and the provision of a free appropriate public education to your child.
2. have your request to review records met
 - (a) without unnecessary delay, and
 - (b) prior to any meeting regarding an individualized education program or hearing relating to the identification.

evaluation, or placement of your child, and

- (c) no later than 45 days after your request.

3. a response from the school district to reasonable requests for explanations and interpretations of the information in the records.

4. be provided upon your request a list of the types and locations of education records collected, maintained or used by the school district.

5. request that the school district provide you with copies of the records if failure to obtain copies would keep you from reviewing or inspecting the records. The school district may charge a fee for the copies if it doesn't keep you from reviewing the records. The school district may not charge a fee to search for or to retrieve records.

6. have a representative of your choice inspect and review the records.

7. be informed that you may give or withhold consent to disclose your child's records (according to school board policy).

8. be informed that the school district must keep a record of persons obtaining access (except as written in school board policy) to your child's records including the name of the person, the date access was given and the purpose for which the person used the records.

9. inspect and review only the information relating to your child even if the record contains information about another child.

10. be informed that the school district may presume that you have the authority to look at records relating to your child unless the school district has other information that denies you authority under state law (guardianship, divorce).

11. request that the school district amend the information in the record if you believe that the information is inaccurate or misleading or violates the privacy or other rights of your child. If the school district agrees to amend the education record, the record must be amended within a reasonable period of time.

12. be informed of the right to a hearing if the school district refuses to amend the record as you requested. If, as the result of the hearing, the school district decides that the information:
 - (a) is inaccurate, misleading or a violation of privacy,

the district must amend the record and inform you in writing of the amendment.

- (b) is not inaccurate, misleading or a violation of privacy, the district must inform you of your right to place in the records a statement setting forth your reasons for disagreeing with the school district's decision. This statement must be maintained with the contested portion of the record as part of the education record as long as the record is maintained by the school district and included with any request for disclosure.

13. request the destruction of information in your child's special education records or be informed of the school district's proposed destruction of information in your child's special education records when the information is no longer needed to provide educational services.

EVALUATION PROCEDURES

You have the right to:

1. a full and individual evaluation of your child's educational needs prior to initial placement in a special education program. Your child should be assessed in all areas related to the suspected disability. The tests and other evaluation materials must be given:

- (a) in your child's native language unless it is clearly not feasible to do so.

- (b) by trained personnel according to the instructions by the test makers and used for the purpose for which they were made.

- (c) so that test results accurately reflect your child's aptitude or achievement level rather than reflecting any sensory impairment which your child may have.

- (d) so that they are not culturally or racially discriminatory.

2. have the evaluation made by a multidisciplinary group of persons, including at least one person who is knowledgeable in the area of suspected disability, who:
 - (a) draw upon a variety of sources including assessments tailored to address specific areas of educational need and not just an intelligence score;
 - (b) ensure that evaluation decisions are not based upon a single procedure;
 - (c) ensure that information obtained from the evaluation is carefully considered;
 - (d) are knowledgeable about your child, the meaning of the test results and the placement options.

SENATE EDUCATION

EXHIBIT NO. 13DATE 3/10/95BILL NO. HB 369

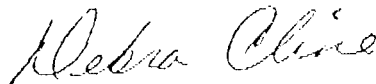
March 9, 1995

Educational and Cultural Resource Committee:

My name is Debra Cline and I would like to urge your support of H.B. 369, introduced by Jack Wells. I believe parents have the right to dictate the direction of their childrens education. Schools should be accountable to the parents for what is taught, and in no way should the schools assume any authority to practice "emotional education" programs that focus on the child's relationships with family, their behavior, feelings, values, attitudes, self-concept, or personal goals.

I understand that there are rare cases when crisis intervention is necessary. However, evaluation and treatment should be referred to a licensed professional, only with the full knowledge and written consent of the parents. And then only after the parents have been fully informed, explaining both the benefits and risks involved.

Respectfully



Debra Cline
10475 Lolo Creek Road
Lolo, MT 59847
406-273-3262

Confidentiality of health care information, Title 50, ch. 16, part 5.

Employee and Community Hazardous Chemical Information Act, Title 50, ch. 78.

Confidentiality of vehicle accident reports, Title 7-114.

Natural areas preservation information, Title 12-116.

Confidentiality of data relating to agricultural chemical ground water protection, Title 80-15-108.

Strip- or underground-mining permit application, Title 82-4-222.

Open-cut mining reclamation contract, plan, and amendments, Title 82-4-434.

Records of Board of Oil and Gas Conservation, Title 82-11-101.

Section 10. Right of privacy. The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.

Right to know, Art. II, sec. 9, Mont. Const.

Searches and seizures, Art. II, sec. 11, Mont. Const.

Personal papers of executive branch officers, Title 2-6-304.

Confidentiality of court proceedings in actions for dissolution, criminal conversation, or seduction, Title 3-1-313.

Confidentiality of proceedings of Judicial Nominating Commission, Title 3-1-1007.

Confidentiality of Judicial Standards Commission, Title 3-1-1105.

Residences and records of university students protected, Title 20-25-511 through 20-25-516.

Montana Library Records Confidentiality Act, Title 22, ch. 1, part 11.

Privileged communications, Title 26, ch. 1, part 8; Art. V, M.R.E.v. (see Title 26, ch. 10).

Media Confidentiality Act, Title 26, ch. 1, part 9.

Confidentiality of unfair trade practices investigation, Title 30-14-114.

Consumer reporting agencies, Title 31, ch. 3, part 1.

Confidentiality of records and information.

Renewable energy sources research information, Title 90-4-106.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2933, 2934.

Committee report, Vol. II 621, 631, 632, 958, 963, 970, 1039.

Debate — committee report, Trans. 1658, 1669 through 1680, 1733, 2176, 2201, 2560, 2578, 2582.

Debate — style and drafting report, Trans. 2482 through 2501, 2921.

Delegate proposals, Vol. I 111, 133, 157, 164, 276.

Final consideration, Trans. 2636, 2637.

Text as adopted, Vol. II 1088.

Confidentiality of proceedings, Title 40-3-116.

Confidentiality of child custody proceedings, Title 40-4-216.

Confidentiality of artificial insemination information, Title 40-6-106.

Privilege of physician-patient communications suspended in certain circumstances, Title 40-6-106, 41-3-201, 41-3-204, 41-3-404.

Confidentiality in paternity proceedings, Title 40-6-111, 40-6-114, 40-6-120.

Confidentiality of birth certificate under certain circumstances, Title 40-6-123.

Confidentiality of adoption records and proceedings, Title 40-8-126.

Confidentiality of child abuse and neglect proceedings, Title 41-3-205.

Privilege of husband-wife communications suspended in certain actions, Title 41-3-404, 45-5-604.

Confidentiality of Youth Court proceedings and records, Title 41-5-521, 41-5-522; Title 41, ch. 5, part 6.

Confidentiality of youth placement committee meetings and records, Title 41-5-529.

Confidentiality of final report.

Confidentiality of in-hospital medical committee information, Title 50, ch. 16, part 5.

Confidentiality of health care information, Title 50, ch. 16, part 5.

Confidentiality of vehicle accident report, Title 7-114.

Confidentiality of data relating to agricultural chemical ground water protection, Title 80-15-108.

Information obtainable by Government during energy emergency, Title 90-4-304.

Section 11. Searches and seizures. No persons, papers, homes and effects without describing the place to be searched or without probable cause, supported by written.

Cross-References

Right of privacy, Art. II, sec. 10, Mont. Const.

Seizure as enforcement for delivery of official records, Title 2-6-108.

Application for search warrant in Circuit Court, Title 3-11-102.

Search for and seizure of unlawful alcoholic beverages, Title 16-3-402, 16-6-107, 16-6-109.

Forfeiture of seized resalable alcohol beverages, Title 16-6-105, 16-6-107.

Seizure power of Department of Revenue in enforcing cigarette tax, Title 16-11-14, 16-11-147.

Search of university student's residence, Title 20-25-511 through 20-25-514.

Seizure power of Department of Commerce to enforce chapter on weights, measure standards, and labeling, Title 30-12-209, 30-12-210.

Section 12. Right to bear arms. No person in defense of his own home or person shall be deprived of his right to bear arms when the state legally may.

MARCH 10, 1995

MY NAME IS LOUISE TURNER. I'M A MOTHER OF THREE CHILDREN IN GRADES 6, 7, AND 9 IN THE PUBLIC SCHOOL SYSTEM IN BOZEMAN.

THERE HAVE BEEN SEVERAL EXERCISES CARRIED OUT IN MY CHILDREN'S CLASSROOMS WHICH WOULD FALL INTO THE CATEGORY OF AN INVASION OF THE PRIVACY OF OUR FAMILY AND THE VALUES WE HAVE CHOSEN TO TEACH OUR CHILDREN.

THE ONE I'VE CHOSEN TO ADDRESS TODAY WAS GIVEN IN A FRESHMAN P.E. CLASS LAST FALL, CALLED "WHO WILL SURVIVE?", IT ASKED STUDENTS TO DETERMINE THE RELATIVE WORTH OF PEOPLE BASED ON SUCH CRITERIA AS RACE, RELIGION, EDUCATIONAL LEVEL, HEALTH AND SOCIAL STATUS.

THOUGH I'VE ATTACHED A COPY OF THE ORIGINAL EXERCISE AS GIVEN TO THE CLASS, BRIEFLY IT ASKED THE STUDENTS TO CHOOSE SEVEN PEOPLE TO LIVE AND EIGHT TO DIE. THE CHOICE WAS MADE IN GROUPS OF SIX AND HAD TO BE UNANIMOUS.

THE DESCRIPTIONS OF THESE PEOPLE WERE CAREFULLY WORDED-- "MENTALLY RETARDED JEW", "PROSTITUTE WITH A NINTH-GRADE EDUCATION", "BLACK", "MORMON", "WHITE WITH A PH.D. IN HISTORY", "SPANISH-AMERICAN WHO HAS HAD TWO HEART ATTACKS IN THE LAST FIVE YEARS".

THIS EXERCISE IS CLEARLY "VALUES CLARIFICATION", AND IS TEACHING CHILDREN TO VALUE PEOPLE VERY DIFFERENTLY THAN WHAT I HAVE TAUGHT MY CHILDREN.

H.B. 369 WOULD CERTAINLY PROTECT OUR CHILDREN FROM SUCH INVASIVE EDUCATIONAL EXPERIMENTS, CARRIED OUT BY TEACHERS WHO ARE NOT LICENSED IN PSYCHOLOGY, EXERCISES WHICH NOT ONLY

REDEFINE HUMAN WORTH, BUT COULD CAUSE EMOTIONAL DAMAGE TO STUDENTS. ISN'T IT POSSIBLE THERE COULD BE A STUDENT INVOLVED IN THIS EXERCISE WHO MIGHT FALL INTO ONE OF THESE DESCRIBED CATEGORIES, OR HAVE A LOVED ONE WHO DOES?

AS A CONCERNED PARENT, I STRONGLY URGE YOU TO PASS H.B. 369 TO PROTECT OUR CHILDREN AND FAMILIES FROM SUCH PRACTICES IN EDUCATION.

MY NAME IS BARBARA ECKSTEIN: I AM A PARENT OF 2 CHILDREN IN BOZEMAN PUBLIC SCHOOLS. I THANK YOU FOR THE OPPORTUNITY TO PRESENT EVIDENCE OF WHY WE NEED H.B. 369, WHICH PROTECTS CHILDREN AND PARENTS' RIGHTS.

ABOUT ONE MO. AGO MY DAUGHTER, WHO IS IN THE 7TH GRADE, WAS PRESENTED AN EXERCISE IN HER PRIME TIME CLASS. A COPY OF THAT EXERCISE IS ATTACHED. THIS WAS BROUGHT TO MY ATTENTION BY MY DAUGHTER BY SAYING, "WE DID SOMETHING STRANGE IN SCHOOL TODAY." THERE WAS A TOUCH OF EMBARRASSMENT IN HER VOICE, AS SHE EXPLAINED A QUESTION SHE WAS ASKED: "IF YOU COULD CHANGE ANYTHING ABOUT YOUR BODY, WHAT WOULD IT BE?" SHE SAID SOME OF THE QUESTIONS WERE REALLY EASY, BUT SOME WERE REALLY STRANGE. WHEN I LOOK BACK AT THIS I BELIEVE SHE REALIZED THERE WAS SOMETHING WRONG WITH THIS EXERCISE.

AS YOU LOOK AT THE QUESTIONS, THEY GRADUALLY BECOME MORE INVASIVE INTO THE STUDENT'S PERSONAL & FAMILY DOMAIN. AN EXAMPLE OF SUCH QUESTIONS ARE:

"IF I REALLY WANTED TO HURT YOUR FEELINGS, WHAT WOULD I SAY?"

"WHAT UPSETS YOU MOST ABOUT YOUR PARENTS/GUARDIANS?"

"NAME SOMETHING THAT NOT MANY PEOPLE KNOW ABOUT YOU."

"WHAT IS ONE OF YOUR GREATEST FEARS?"

"WHAT DO YOU BELIEVE COMES AFTER DEATH?"

"WHAT IS ONE OF YOUR STRONGEST DEFENSES?"

"WHAT IS ONE THING YOU ARE STRUGGLING WITH RIGHT NOW?"

THIS IS AN EXAMPLE OF PSYCHOLOGICAL INTIMIDATION. I WILL NOT GO INTO THE QUESTION NOW OF WHETHER THE TEACHER IN THAT CLASS HAS THE ABILITY OR THE CREDENTIALS TO PROCESS THE "CROWD THERAPY."

AS A FAMILY NURSE PRACTITIONER WITH A MASTERS IN COUNSELING,
I WANT TO BRING TO YOUR ATTENTION THAT THIS IS CLEARLY AN
INVASION OF STUDENT AND FAMILY PRIVACY WHICH NEEDED A RELEASE
BY PARENTS.

MY QUESTIONS AS A PARENT ARE:

WHY WAS A PARENTAL RELEASE NOT OBTAINED?

WHAT HAPPENS TO THIS INFORMATION?

IF WE ALLOW MONTANA PUBLIC SCHOOLS THE PRIVILEGE OF EDUCATING
OUR CHILDREN, HOW DO WE MAKE THEM ACCOUNTABLE?

WHAT IF I HADN'T BEEN THERE THAT EVENING FOR THE OPPORTUNITY
TO TALK WITH MY DAUGHTER?

WHAT ELSE IS OUT THERE?

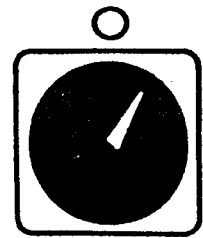
AFTER DISCUSSING THIS EXERCISE WITH SCHOOL OFFICIALS, I WAS
TOLD PRIME TIME WOULD BE ASSESSED. HOW CAN I BE ASSURED
OTHER SIMILAR EXERCISES WILL NOT OCCUR IF H.B. 369 IS NOT
APPROVED. DON'T YOU WANT PARENT INVOLVEMENT AND THEIR
CONCERNS AND PRIVACY PROTECTED?

November

Lesson #2 Grade: 7 ✓

Materials needed: None.

PRIME TIME



Belief Relief ▲

PURPOSE

To investigate individual beliefs and their influence on personal goals and behavior.

POINTS TO PONDER

1. How does a belief differ from a value?
2. What do you believe about each of these issues:
 - Sex before marriage.
 - Life after death.
 - Death penalty for murder.
 - Single parent adoption.
3. How does one acquire a set of beliefs about something?
4. Write out a set of beliefs about the responsibilities of parents to their children, educators to their students, or legislators to their electors.
5. Name some groups in our society that have conflicting beliefs with one another. Is this healthy or unhealthy in a democratic society?

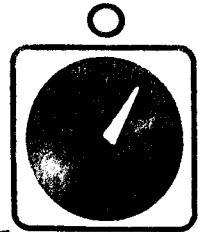
PROJECTS TO PURSUE

1. Make a "me" collage representing your major beliefs about relationships, goals, responsibilities, innate rights, and any other other issues you feel strongly about. Use words, phrases, pictures, or "good junk" materials to add interest.
2. Brainstorm situations where the beliefs held by students your age might be misunderstood by parents or teachers. Try to devise means of resolving these conflicts in a manner acceptable to both generations.
3. Discuss stories, TV shows, movies, or novels whose plots are based on the beliefs of one individual or a group. Try to determine if these situations influence the viewer or the reader in a positive or negative sense or if they are not influential. Discuss group members' feelings about media materials that exploit or belittle beliefs of others. Discuss action that might be taken to help curtail these activities.

EXHIBIT 16DATE 3-10-95HB 369

August / September

Lesson #7 Grades : All

Materials needed: Copies of this page
for each person.**PRIME
TIME****The Great Graduated
Trust Experiment ▲**

Group members pair up with someone they don't know very well. Each person interviews the other recording their answers. When finished, the group can take turns sharing things about their partner. Remind pairs that sharing is optional and to respect each other by not ridiculing or making negative comments.

_____ Person that I am interviewing.

_____ What is your favorite color?

_____ What is your favorite pet or would be if you could have any pet you wanted?

_____ What is your favorite instrument? (play or listen)

_____ What is your favorite game, hobby, or past time?

_____ What is your favorite pigout food?

✓ _____ What makes you respect authority?

_____ Name something you are good at.

✓ _____ Do you have a pet peeve, something about the world or people that bothers you? If so, what?

✓ _____ If you could change anything about your body, what would it be?

_____ What is one goal you have for the future?

✓ * _____ If you could change one thing about your closest friend, what would it be?

✓ _____ What really gets you angry?

✓ * _____ If I really wanted to hurt your feelings, what would I say?



Great Graduated Trust Experiment: Lesson #7 Continued

18

- ✓ _____ What upsets you most about your parents/guardians?
 - _____ If someone wanted to make your day (cheer you up),
what should they say?
 - ✓ _____ Name something that not many people know about you
(old habits, sleep with Teddy Bear, etc.).
 - ✓ _____ What is one of your greatest fears?
 - ✓ _____ What do you believe comes after death?
 - ✓ _____ What is one of your strongest defenses (sarcasm, violence,
silence, etc.).
 - ✓ _____ What one thing are you struggling with the most
right now?
-

(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

(B) The term "education records" does not include—

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5)(A) For the purposes of this section the term "directory information:" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b) Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of federally-supported education programs; recordkeeping

(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) of this section) of students without the written consent of their parents to any individual, agency, or organization, other than to the following—

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests;

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) authorized representatives of (i) the Comptroller General of the United States, (ii) the Secretary, (iii) an administrative head of an education agency (as defined in section 1221e-3(c) of this title), or (iv) State educational authorities under the conditions set forth in paragraph (3) of this subsection;

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and

are used, the share of that cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for five years after the completion of the activity for which the funds are used.

(b) Audit examination

The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit examination, to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements to which reference is made in subsection (a) of this section, or which may relate to the compliance of the recipient with any requirement of an applicable program.

(Pub. L. 90-247, Title IV, § 437, as added Pub. L. 95-561, Title XII, § 1231(c), Nov. 1, 1978, 92 Stat. 2346.)

§ 1232g. Family educational and privacy rights

(a) Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions

(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

- (i) financial records of the parents of the student or any information contained therein;
- (ii) confidential letters and statements of recommendation, which were placed in the education records

prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

(I) respecting admission to any educational agency or institution,

(II) respecting an application for employment, and

(III) respecting the receipt of an honor or honorary recognition.

(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4)(A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which—

- (i) contain information directly related to a student; and

such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of Title 26; and

(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection unless—

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, (C) an administrative head of an education agency or (D) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally-supported education program, or in connection with the enforcement of the Federal legal requirements which relate to such programs: *Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4)(A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3).

(6) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing, to an alleged victim of any crime of violence (as that term is defined in section 16 of Title 18), the results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime with respect to such crime.

(c) Surveys or data-gathering activities; regulations

The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

(d) Students' rather than parents' permission or consent

For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(e) Informing parents or students of rights under this section

No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(f) Enforcement; termination of assistance

The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this chapter, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

(g) Office and review board; creation; functions

The Secretary shall establish or designate an office and review board within the Department of Education for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

(Pub.L. 90-247, Title IV, § 438, as added Pub.L. 93-380, Title V, § 513(a), Aug. 21, 1974, 88 Stat. 571, and amended Pub.L. 93-568, § 2(a), Dec. 31, 1974, 88 Stat. 1858; Pub.L. 96-46, § 4(c), Aug. 6, 1979, 93 Stat. 342; Pub.L. 96-88, Title III, § 301, Title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub.L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095. As amended Pub.L. 101-542, Title II, § 203, Nov. 8, 1990, 104 Stat. 2385; Pub.L. 102-325, Title XV, § 1555(a), July 23, 1992, 106 Stat. 840.)

§ 1232h. Protection of pupil rights

(a) Inspection by parents or guardians of instructional material

All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any re-

search or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques.

(b) Psychiatric or psychological examinations, testing, or treatment

No student shall be required, as part of any applicable program, to submit to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minor, without the prior written consent of the parent.

(Pub. L. 90-247, Title IV, § 439, as added Pub. L. 93-380, Title V, § 514(a), Aug. 21, 1974, 88 Stat. 574, and amended Pub. L. 95-561, Title XII, § 1250, Nov. 1, 1978, 92 Stat. 2355.)

§ 1232i. Limitations on withholding of Federal assistance

(a) Refusal to supply personal data on students or families

Except as provided in section 1232g(b)(1)(D) of this title, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not consti-

(a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any ~~research or experimental program or project~~ survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section "~~research or experimentation program or project~~" means ~~any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques.~~

(b) ~~Psychiatric or psychological examinations, testing, or treatment~~

No student shall be required, as part of any applicable program, to submit to ~~psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to~~ a survey, analysis, or evaluation that reveals information concerning:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged ~~and~~ or analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

DATE 3-10-95

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: HB 431, HB 434,
HB 369, HB 233

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Jim Bandura	Boys School	HB 233	✓	
Koran Fragni	SAM EB	HB 369		X
" "	SAM 431	HB 233	X	
Laure Kachuk	Christian Church MT	369	✓	
Helen Lee	Montana Parents Commission	HB 369	X	
Wendy Wise MD	self	HB 369	X	
Barbara Blue	self	HB 369	X	
Terry Frisch	self	HB 369	✓	
Renee Howarth	self	HB 369		
Bryan Collins	Self	HB 369		
Kathy Collins	Self / family	HB 369	✓	
Faulstich Jerimunson	G.V.P.C.	HB 369	✓	
Sam Ziskel	Helena SD #1	369		✓
Ed Binkley	self	HB 369	✓	

Barbara Rush

VISITOR REGISTER

HB 369 ✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3/10/95

SENATE COMMITTEE ON Senate Education

BILLS BEING HEARD TODAY: HB 431, HB 434, HB 369, HB 233

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>John Long</i>	<i>OPQ</i>	<i>369</i>		<i>X</i>
<i>Patricia Turner</i>	<i>Parent</i>	<i>369</i>	<i>X</i>	
<i>Barbara Eckstein</i>	<i>Parent</i>	<i>369</i>	<i>X</i>	
<i>Eri Dean</i>	<i>MSA</i>	<i>369</i>		<i>X</i>
		<i>233</i>	<i>X</i>	
		<i>431</i>	<i>X</i>	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY