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May 1, 2022

Eric Schmitt
Missouri Attorney General
Missouri Attorney General's Office
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

Re: Request for investigation for violations of student privacy rights

Dear Attorney General Schmitt:

Southeastern Legal Foundation (SLF) is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic[®]. Since 1976, SLF has sought to reclaim our civil liberties, protect free speech, and combat government overreach in the courts of law and public opinion. Today, the most important battleground in the fight to save our American republic is the public schools. We are proud to stand with and represent both parents and teachers across the nation engaged in that fight.¹

We write on behalf of a group of concerned parents in the Webster Groves School District (WGSD) who believe that WGSD and third parties have violated the privacy rights of WGSD students and their families. This letter is a request for you to investigate the State Board of Education (Board), Department of Elementary and Secondary Education (DESE), WGSD, and third parties for possible violations of laws protecting students' privacy under Section 161.096, RSMo.

Although concerned parents in WGSD do not appear to have a private right of action to file lawsuits or a means to personally enforce state and federal privacy laws, Missouri law grants you the exclusive authority to initiate civil investigations and actions based on violations of Section 161.096.² Parents in WGSD have a well-founded concern that the student surveys administered in their schools violate both state and federal law and respectfully ask that you investigate further.

America's public schools collect intrusive data on minors through school surveys.

America's public schools, including those throughout the State of Missouri, are asking children about deeply personal topics and legally protected information at an alarming rate. They

¹ See <https://www.slfliberty.org/case/deemar-v-evanston-skokie-school-district-65/> and <https://www.slfliberty.org/case/henderson-v-springfield-public-schools/>.

² § 161.096.6, RSMo.; see also *J.P. v. Belton Sch. Dist.* 124, 2021 U.S. Dist. LEXIS 230116, at *16 (W.D. Mo. Feb. 18, 2021).

do this through student surveys—created by school districts, third parties, teachers, and even other students—and through daily classroom assignments. As experts have pointed out, “[t]he surveys and ‘screeners’ that students are increasingly asked to fill out at school look more like those one would expect to see in a pediatrician’s office, mental health facility, or gender clinic than what one might presume they would find in a sixth-grade classroom.”³ Through these student surveys, school districts and third parties collect data on topics ranging from a child’s gender and sexual orientation, to their political beliefs and those of their parents, to their mental health status, including even suicide plans.⁴

In many situations, these intrusive surveys are created and administered by third parties such as Panorama Education, Inc. (“Panorama”) and Project Wayfinder. Although it is unclear how much money WGSD has paid Panorama and Project Wayfinder over the years, other Missouri school districts like Springfield Public Schools pay Panorama upwards of \$60,000 annually to obtain personally sensitive information from students, families, and the community. Shockingly, \$60,000 is a small contract for Panorama. Other school districts like Fairfax County Public Schools in Virginia have entered into contracts worth \$2.4 million with Panorama.⁵

Understandably, parents across the country harbor serious doubts over the third-party vendors administering many of these surveys, especially Panorama and Project Wayfinder. For example, Panorama has a visible political affiliation that only exacerbates the concerns of parents regarding these politically charged surveys: it was co-founded by the son-in-law of Attorney General Merrick Garland, the same official who instructed the FBI to investigate parents at school board meetings.⁶

Panorama has pledged its commitment to “dismantling systemic racism” and “spreading anti-racist practices.”⁷ It has defined its “areas of impact” as including social-emotional learning (SEL) and mental health, anti-racism practices, and diversity and inclusion.⁸ Panorama sells

³ Erika Sanzi, *Make Intrusive School Surveys “Opt-in” Rather Than “Opt-out”*, American Enterprise Institute (Mar. 9, 2022), <https://www.aei.org/research-products/report/make-intrusive-school-surveys-opt-in-rather-than-opt-out/>.

⁴ Asra Q. Nomani & Erika Sanzi, *The Data Mining of America’s Kids Should Be a National Scandal*, Real Clear Education (Oct. 27, 2021), https://www.realcleareducation.com/articles/2021/10/27/the_data_mining_of_americas_kids_should_be_a_national_scandal_110659.html.

⁵ Adam Andrzejewski, *Panorama Education, Co-Founded by U.S. AG Merrick Garland’s Son-In-Law, Contracted with 23,000 Public Schools & Raised 76M From Investors*, Forbes (Oct. 12, 2021), <https://www.forbes.com/sites/adamandrzejewski/2021/10/12/panorama-education-owned-by-us-ag-merrick-garlands-son-in-law-contracted-with-23000-public-schools-for-social-emotional-climate-surveys/?sh=401d47634e60> (approximately 30 New York school districts paid \$12.1 million to Panorama, the Department of Education in Iowa paid \$2.4 million to Panorama, 76 school districts paid approximately \$1 million to Panorama, and one school district in Florida even paid Panorama \$364,000).

⁶ *Id.*; see also SLF Letter to American Parents (Oct. 11, 2021), <https://www.slfliberty.org/southeastern-legal-foundation-responds-to-garland-order-in-open-letter-to-american-parents/>.

⁷ Andrzejewski, *supra* note 5.

⁸ It has been reported that one contract between Panorama and Fairfax County Public Schools provided student names and how they answered questions, including questions about race, politics, gender, and sexuality. See Fairfax County Public Schools Acceptance Agreement Contract Number 4400010525 (June 8, 2021),

surveys to school districts that focus on those key areas of impact and the school districts then use those surveys as justification for new curriculum on those same topics. Panorama’s game of cat and mouse to create a “demand” for curriculum focusing on students’ mental or psychological problems, sex behaviors and gender identity, and racial programming has infiltrated at least 1,500 school districts across 50 states and reaches 13 million students.⁹

Project Wayfinder openly promotes its student surveys as an “antidote[] to the mental health crisis.”¹⁰ The company itself brags that its Waypoints surveys, mandatory in Webster Groves High School (WGHS), are a “mental health dashboard” that give teachers and principals “accurate up-to-the-minute insights into the mental health of their students.”¹¹ It is believed that in 2021 alone, WGSD paid Project Wayfinder at least \$9,492 to conduct weekly surveys of WGHS students on topics ranging from the mental and psychological status of students, their friends, and their families, to race relations, to deeply sensitive issues concerning their sexuality.¹²

The actions and statements of these companies give rise to the suspicions of parents that SEL is really just thinly disguised political indoctrination, and they cannot reliably be counted upon to protect student data. Unfortunately, WGSD’s collection of students’ personal information appears to have only just begun. WGSD School Board is considering entering into additional contracts with Panorama and Project Wayfinder and has even invited a representative from Panorama to speak to the board.¹³

Federal and state law require parental consent and data protection.

The State Board is required to craft rules that are specifically designed to limit the gathering of data from students and protect the privacy of student data.¹⁴ These rules apply to DESE and require that any companies that perform surveys or have access to student data safeguard the privacy of the students. Federal laws that also protect student data include Family Educational Right and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).¹⁵ FERPA provides parents with a right to access student records and a right from having records disclosed.¹⁶

https://defendinged.org/wp-content/uploads/2021/09/Panorama-Education_Fairfax-County-Public-Schools_2021_Agreement.pdf.

⁹ See Andrzejewski, *supra* note 5.

¹⁰ Patrick Cook-Deegan, *A New Way to Track Student Emotional Health* (Medium, originally published in Wayfinder) (Mar. 9, 2021), <https://medium.com/projectwayfinder/a-new-way-to-track-student-emotional-health-f492798dd324>.

¹¹ *Id.*

¹² See WGSD Check Register (Aug. 24, 2021), [https://go.boarddocs.com/mo/webster/Board.nsf/files/C67TGF774B6D/\\$file/2021%2024%2008%20Operating%20Check%20Register.pdf](https://go.boarddocs.com/mo/webster/Board.nsf/files/C67TGF774B6D/$file/2021%2024%2008%20Operating%20Check%20Register.pdf).

¹³ See Webster Groves School District Board Workshop Meeting Agenda (Apr. 28, 2022), <https://go.boarddocs.com/mo/webster/Board.nsf/Public>.

¹⁴ See § 161.096, RSMo.

¹⁵ See 20 U.S.C. § 1232g (FERPA); 20 U.S.C. § 1232h (PPRA).

¹⁶ See 20 U.S.C. § 1232g(a)(1)(A) (right to access); 20 U.S.C. § 1232g(b)(1) (right of non-disclosure).

PPRA provides parents with a right to review all instructional materials such as teacher materials, lesson plans, assignments, surveys, books, videos, and teacher trainings, but not tests or assessments.¹⁷

PPRA also places limits on what data schools can obtain from a survey. Schools cannot require a student to submit to any survey, analysis, or evaluation that reveals information about any of the following categories, unless they have parental consent:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized, privileged, or analogous relationships, such as those of lawyers physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).¹⁸

PPRA also requires schools to create policies regarding:

- The right of a parent to inspect a survey created by a third party before the survey is administered or distributed by a school to a student;¹⁹
- The protection of student privacy and the right to parental inspection where a survey requests information concerning any of the eight issues listed above (e.g., the student or student's family's political or religious affiliations);²⁰ and
- The required notification of parents and an opportunity for the parent to opt the student out of the survey where a survey requests information concerning any of the eight issues listed above (e.g., the student or student's family's political or religious affiliations).²¹

Webster Groves School District requires students to take intrusive surveys.

WGSD constantly requires its students to take intrusive surveys including teacher-created surveys, student-created surveys, free online surveys, and surveys purchased with public funds from third parties such as Project Wayfinder and Panorama. Notably, WGSD conducts these surveys without seeking prior written consent from the students' parents, and in many instances,

¹⁷ See 20 U.S.C. § 1232h(b).

¹⁸ 20 U.S.C. § 1232h(a)-(b).

¹⁹ 20 U.S.C. § 1232h(c)(1)(A).

²⁰ 20 U.S.C. § 1232h(c)(1)(B).

²¹ 20 U.S.C. § 1232h(c)(2).

it appears that the identity of the student is not anonymous. As a result of WGSD's implementation of these surveys, parents in WGSD believe that the Board, DESE, and WGSD are not complying with their obligations to promulgate, implement, and enforce appropriate policies under Section 161.096.

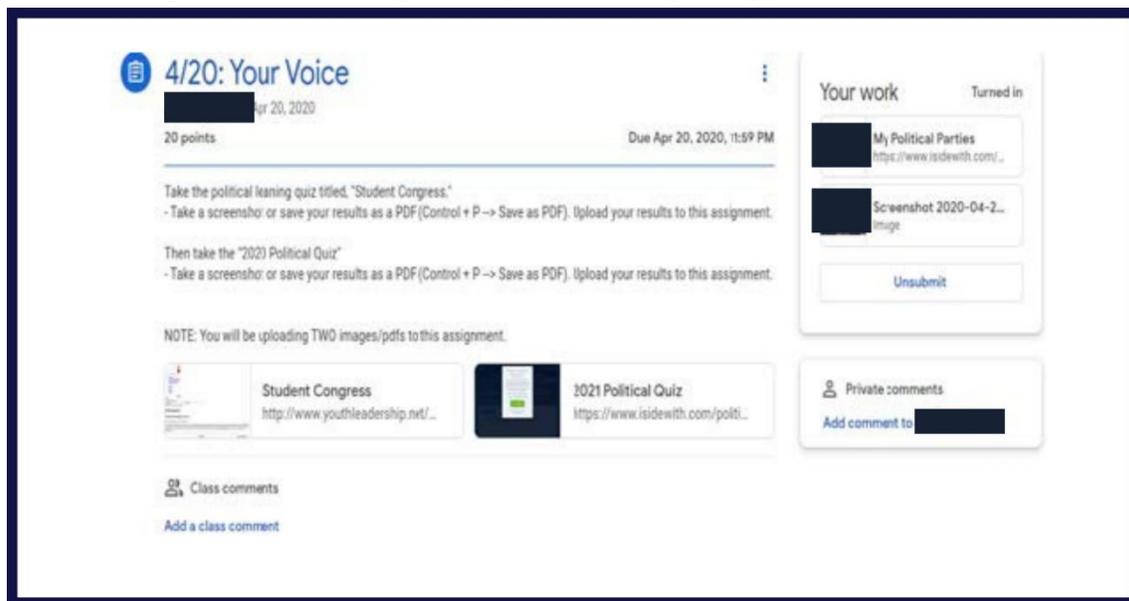
Due to the breadth of student surveys administered and an overall lack of transparency, it is not feasible to provide a full account of all surveys used by WGSD. But the following provides various examples of how WGSD is collecting intrusive and private information about its students and their families on personal and/or legally protected issues ranging from political affiliations, to sex behaviors and attitudes, to race and identity, to mental health, among others. This is not meant to be an exhaustive list, but rather a showing of some of the more egregious examples that appear to violate the FERPA, PPRA, and Missouri law.

1. WGSD is requiring students to take surveys about their political affiliations.

WGSD is asking students about their political affiliations. Political affiliation is a form of data that DESE is forbidden from collecting, and school districts from reporting,²² even if the PPRA allows for it with parental consent.²³

For example, WGSD requires high school students to take a government class in which the students must take two surveys. The surveys generate results that identify each student's political affiliation. After receiving the results, the students must take screenshots of the results and send the screenshots to their teacher.

Here is a picture of the assignment (redacted for privacy).



Required WGSD High School Government Class Assignment

²² See § 161.096.3, RSMo.

²³ 20 U.S.C. § 1232h(b)(1).

The first political survey required as part of this assignment is published by Youth Leadership Initiative at University of Virginia Center for Politics²⁴ and is called the “E-Congress Political Ideology Survey.” The purpose of the survey is “to help you determine your political party preference.” The survey includes leading questions about controversial political issues such as abortion, immigration, gay marriage, school prayer, taxation, the right to bear arms, trade policy, and the death penalty. After each student takes the political survey, the survey generates results that label the student as a conservative or liberal, the degree of ideology affiliation (e.g., “moderate”), and the political party with which the student agrees. It also identifies three Members of the House of Representatives with whom the student’s answers align. The student is required to screenshot an image of the results, upload them to the student portal, and provide them to their teacher.

Here is a screenshot of the full E-Congress Political Ideology Survey.

Required E-Congress Political Ideology Survey

²⁴ The Youth Leadership Initiative holds itself out as “The #1 Online Resource for Civics Teachers” and “develops free education resources designed to assist civics teachers, and encourage students to participate in the political process.” <http://yli236.youthleadership.net/>.

Here are sample results pages which: (1) identify each student as a strong liberal, liberal, moderate, conservative, or strong conservative; (2) suggest which political party the student’s “views” agree with; (3) suggest additional political parties that the student should consider; and (4) suggest two to three Members of the House of Representatives whose ideology the survey determines aligns with that of the student.

The screenshot shows the 'E-CONGRESS' website interface. At the top, there is a navigation bar with 'YOUTH LEADERSHIP INITIATIVE' logo and links for SIGN UP, LEARNING PROGRAMS, CIVICS RESOURCES, GET INVOLVED, ABOUT, and FAQ. Below the navigation bar, the text reads 'The #1 Online Resource for Civics Teachers'. The main heading is 'E-CONGRESS'. The section is titled 'Political Ideology Survey' with the question 'Which political party do you belong to?'. The introductory text explains that many factors contribute to a person's choice of political party, such as family and community influences. The results section, highlighted with a red border, states: 'Based on your response to the questions on the political ideology survey, you are a **strong liberal**. You probably most agree with the views of the Democratic Party. You may also be interested in the Green Party. Your ideology is shared by the following Members of the House of Representatives: Nydia Velázquez (D - NY, 12th District), John Conyers, Jr. (D - MI, 14th District), and John Lewis (D - GA, 5th District)'. A 'Back to Student Portal' button is at the bottom.

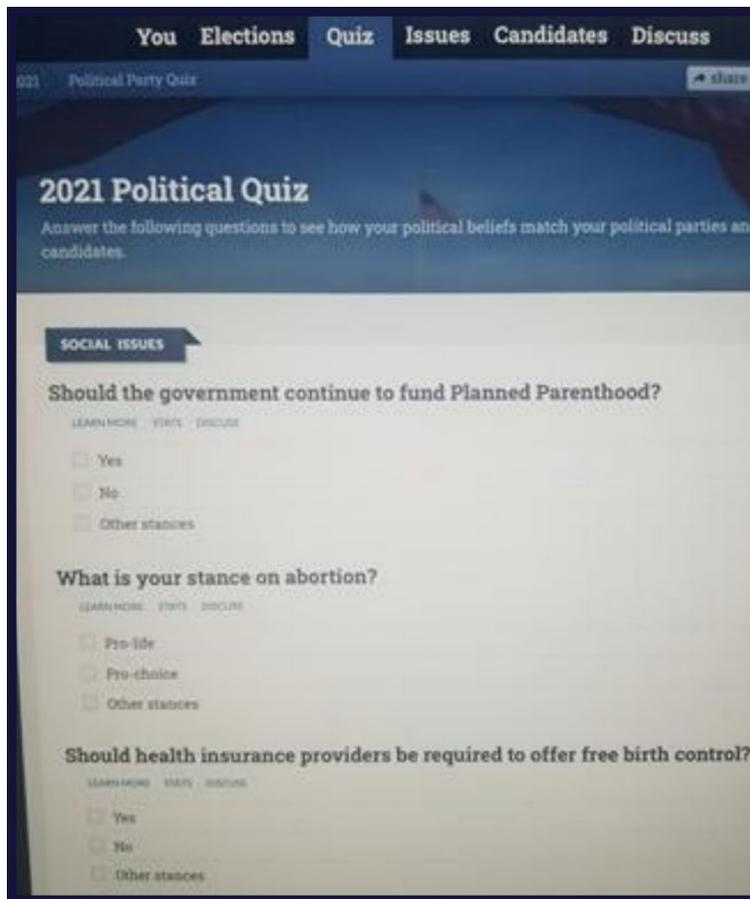
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The screenshot shows the 'E-CONGRESS' website interface. At the top, there is a navigation bar with 'YOUTH LEADERSHIP INITIATIVE' logo and links for SIGN UP, LEARNING PROGRAMS, CIVICS RESOURCES, GET INVOLVED, ABOUT, and FAQ. Below the navigation bar, the text reads 'The #1 Online Resource for Civics Teachers'. The main heading is 'E-CONGRESS'. The section is titled 'Political Ideology Survey' with the question 'Which political party do you belong to?'. The introductory text explains that many factors contribute to a person's choice of political party, such as family and community influences. The results section, highlighted with a red border, states: 'Based on your response to the questions on the political ideology survey, you are a **moderate**. You probably identify with some of the views of both the Democratic Party and the Republican Party. You may also be interested in the Green Party and the Libertarian Party. Your ideology is shared by the following Members of the House of Representatives: Allen Boyd (D - FL, 2nd District) and Judy Biggert (R - IL, 13th District)'. A 'Back to Student Portal' button is at the bottom.

The second required political survey is published by the website “I Side With...” which was started in 2012 by a political analyst and data specialist. The purpose of the quiz is to list the political parties ranked from most to least similar based on a student’s answers. The political quiz is frequently updated, but the 2021 Political Quiz included questions on controversial political issues such as abortion, birth control, health insurance, and welfare. The 2022 Political Quiz includes questions on controversial issues including police funding and replacing police with community-based programs, illegal immigration, voting rights, taxation, critical race theory in K-12 schools, student loans, military spending, treatment of terrorists and fighting terrorism, vaccinations, the right to bear arms, and climate change.²⁵ After each student takes the political survey, it provides results that identify the student’s alignment with the following political parties: Republican, Constitution, Libertarian, American Solidarity, Peace and Freedom, Democratic, Green, and Socialist.

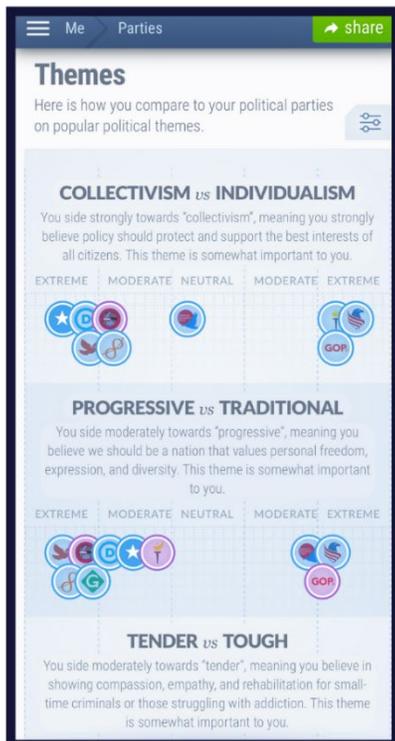
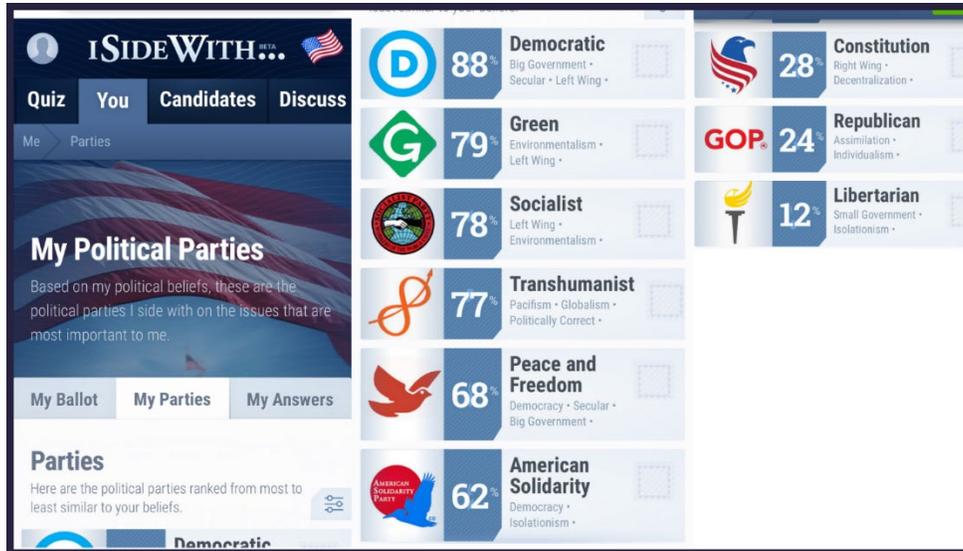
Here is a screenshot of several questions on the 2021 “I Side With” survey.



"I Side With" Required Political Affiliation Survey

²⁵ <https://www.isidewith.com/political-quiz>.

Here are screenshots resulting from taking the 2022 survey and blindly answering “Yes” to all the yes/no questions and leaving detailed answers and local questions blank. This is provided to give a sample of the types of results the “I Side With” survey generates and what WGSD students were required to screenshot and submit to their teachers.



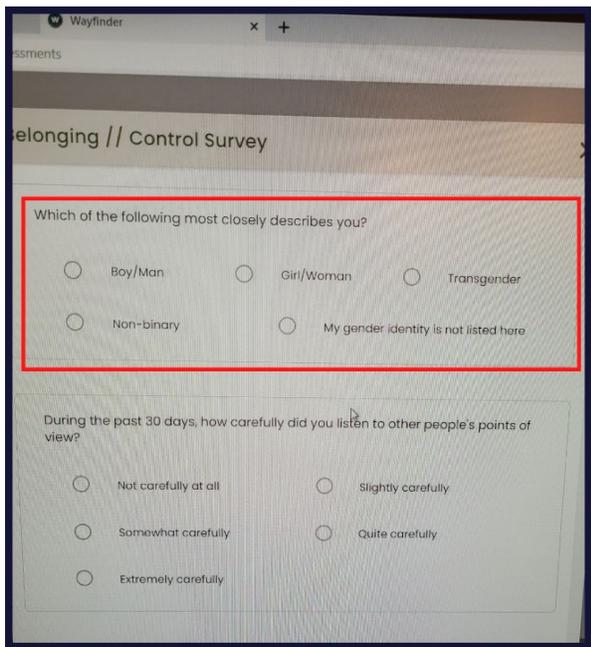
2. WGSD requires students to take surveys about sex behavior and attitudes.

Students in WGSD are being asked probing questions about their sexual behavior and attitudes. Sexual behavior and attitudes are forms of data that students cannot be required to reveal under the PPRA without parental consent.²⁶

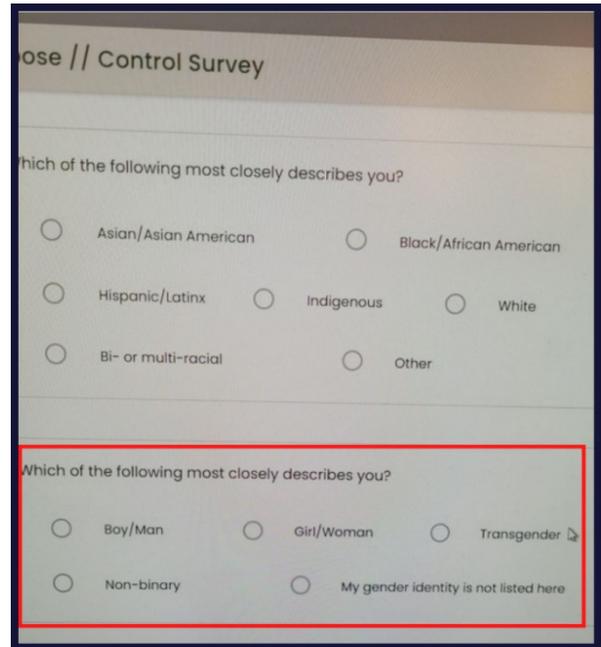
For example, students are required to answer questions about their “identity” in the Project Wayfinder Waypoints weekly WGHS advisory class (discussed in greater detail below). Questions include: “I am able to talk about my identity and ask questions.”

By way of another example, high school students are required to take surveys administered by Project Wayfinder such as a “Purpose Survey” and a “Belonging Survey.” Both surveys ask the students to describe their gender identity and give five options for an answer: “Boy/Man,” “Girl/Woman,” “Transgender,” “Non-binary,” and “My gender identity is not listed here.” The surveys are not anonymous—both require the students to provide personally identifying information such as the name of their school, the teacher whose class they are in, their grade level, their student ID number, and their birthdate, among other information.

Here are screenshots from the Project Wayfinder Belonging Survey and Purpose Survey with questions seeking details regarding sex behaviors and attitudes.



**Project Wayfinder - Belonging Survey:
Sex Behavior Questions**

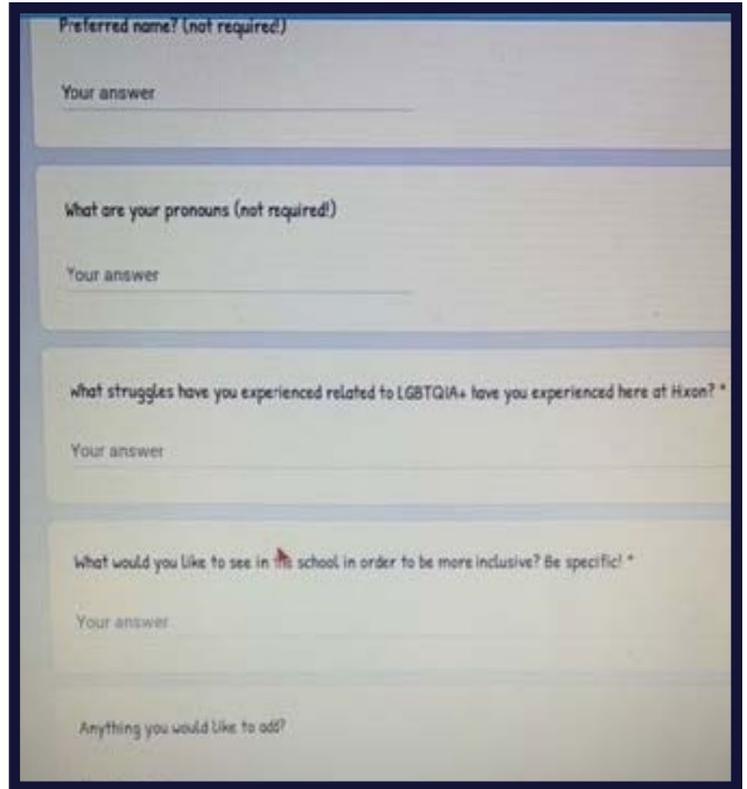
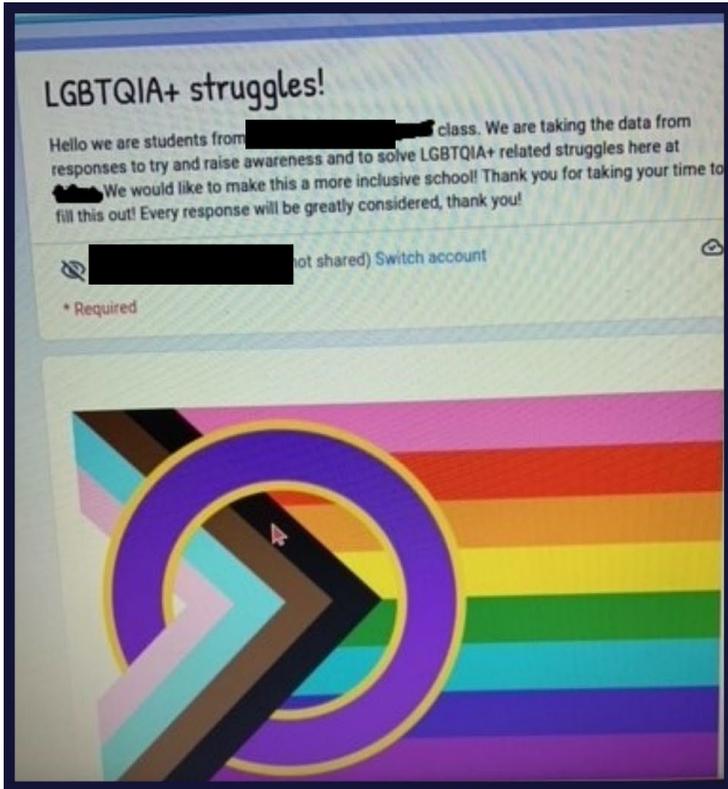


**Project Wayfinder - Purpose Survey:
Sex Behavior Questions**

²⁶ 20 U.S.C. § 1232h(b)(3).

WGSD requires middle school students to take a student-created survey on “LGBTQIA+ Struggles!” that asks students intrusive questions about their personal sexual identity, gender, and sex behaviors, such as: (1) “What are your preferred pronouns?”; and (2) “What struggles have you experienced related to LGBTQIA+ have you experienced [sic] here at Hixson?”

Here are some screenshots from that survey.



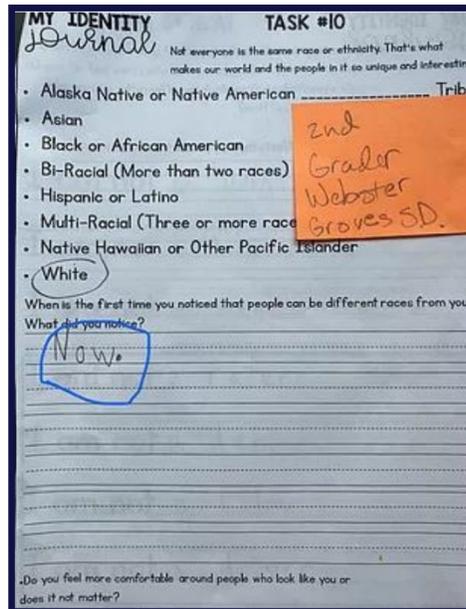
Student-Created Survey on Sex Behaviors and Attitudes

3. WGSD requires students to take surveys about racial identity.

Students in WGSD are being asked probing questions about their racial identities without parental consent.

WGSD required students in second grade to answer sensitive questions about race relations and questions about their racial identity as part of a task in their “My Identity Journal.” Specifically, the second-grade students were asked: “I have an open mind and am aware of other people’s culture and race;” “When is the first time you noticed that people can be different races from you? What did you notice?” and “Do you feel more comfortable around people who look like you?”

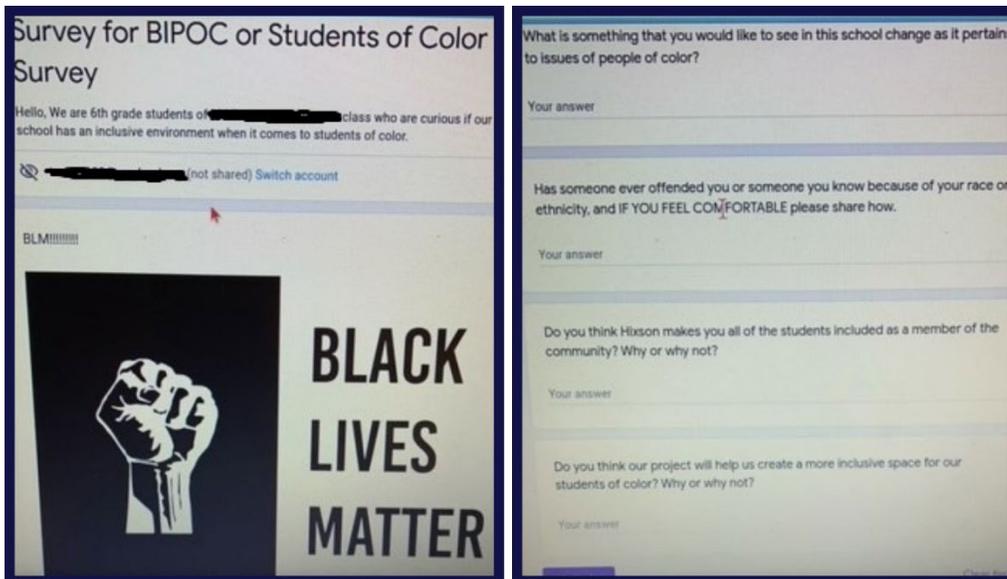
Here is a picture of the assignment.



Second Grade Required Lesson on
Personal Racial Information

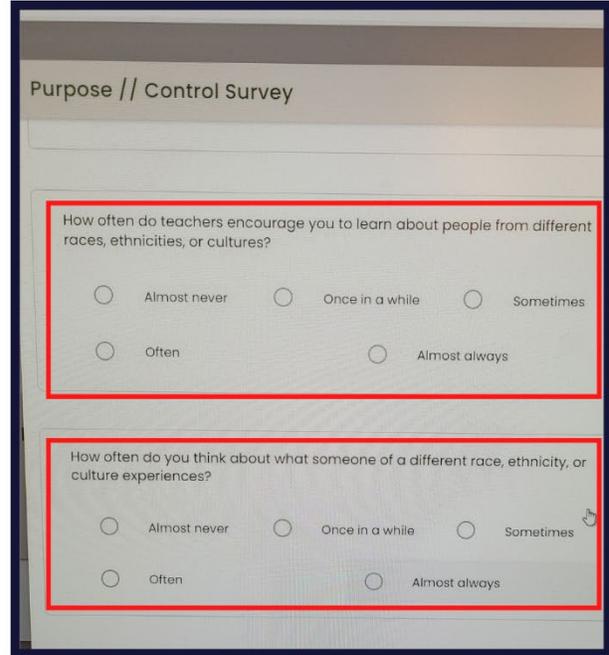
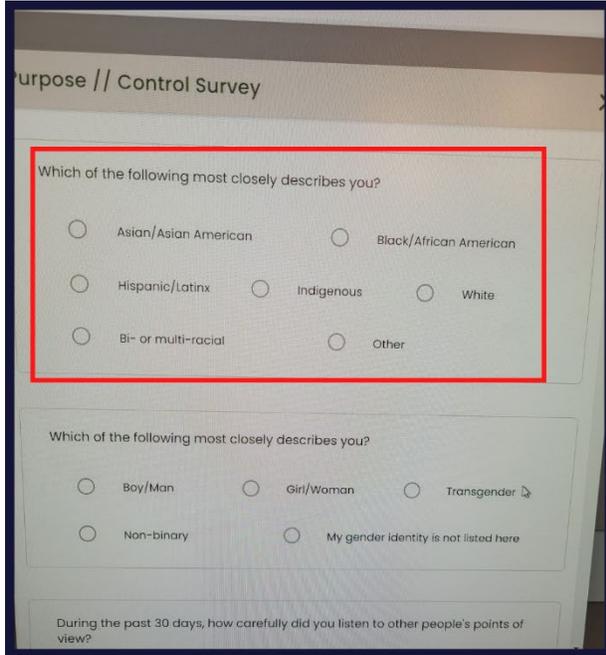
WGSD middle school “BIPOC” students are required to take a “Survey for BIPOC or Students of Color Survey [sic].” Of particular concern, parents believe this survey was administered only to students of color. The survey includes questions like, “Has someone ever offended you or someone you know because of your race or ethnicity, and if you feel comfortable please share how.” Notably, it also includes logos for Black Lives Matter (BLM). BLM is a political slogan but also a political and advocacy organization. The Democratic National Committee [posts](#) BLM resources. There is even a BLM Super [PAC](#).

Here is a picture of the survey.

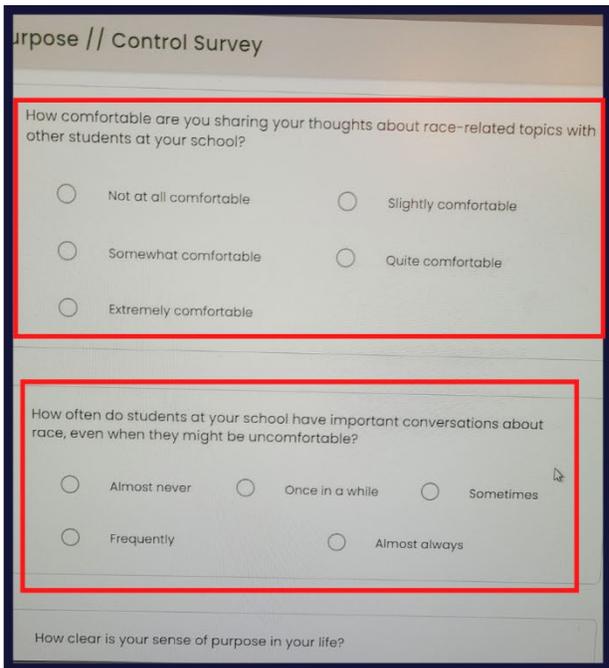
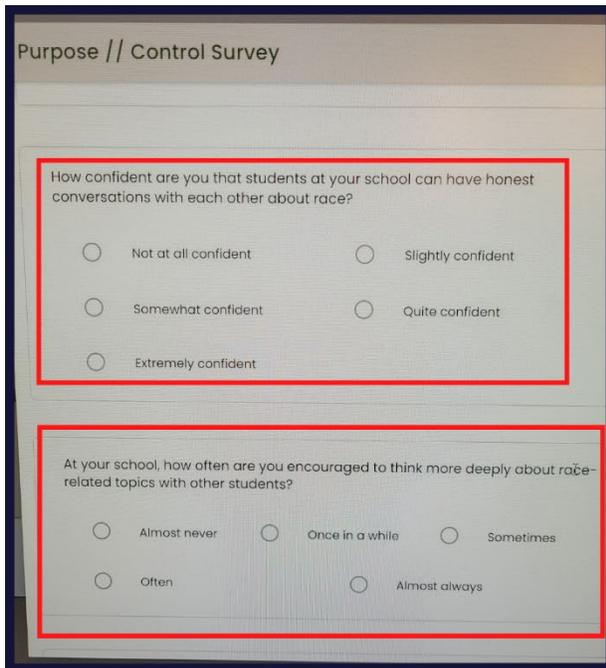


Student Created Survey on Personal Race Information and Mental Health

The Project Wayfinder “Purpose Survey” also asks questions about racial identity.



Project Wayfinder - Purpose Survey: Personal Racial Information Questions



Project Wayfinder - Purpose Survey: Personal Racial Information Questions

The Project Wayfinder “Belonging Survey” also asks questions about racial identity.

Belonging // Control Survey

How often do you think about what someone of a different race, ethnicity, or culture experiences?

Almost never Once in a while Sometimes

Often Almost always

How confident are you that students at your school can have honest conversations with each other about race?

Not at all confident Slightly confident

Somewhat confident Quite confident

Extremely confident

At your school, how often are you encouraged to think more deeply about race-

Belonging // Control Survey

At your school, how often are you encouraged to think more deeply about race related topics with other students?

Almost never Once in a while Sometimes

Often Almost always

How comfortable are you sharing your thoughts about race-related topics with other students at your school?

Not at all comfortable Slightly comfortable

Somewhat comfortable Quite comfortable

Extremely comfortable

Project Wayfinder - Belonging Survey: Personal Racial Information Questions

Belonging // Control Survey

What is your student ID number? *

What is your birthdate? *

Which of the following most closely describes you?

Asian/Asian American Black/African American

Hispanic/Latinx Indigenous White

Bi- or multi-racial Other

Belonging // Control Survey

How often do students at your school have important conversations about race, even when they might be uncomfortable?

Almost never Once in a while Sometimes

Frequently Almost always

I take pride in my school work.

Strongly disagree Disagree

Neither agree or disagree Agree

Strongly agree

What I learn in class helps me outside of school.

Project Wayfinder - Belonging Survey: Personal Racial Information Questions

Finally, students are required to answer questions about their “race” in the WGHS Project Wayfinder Waypoints weekly advisory class. Questions include: “I feel safe to talk about race, culture and identity at school” and “My school is a place that embraces diversity.”

4. WGSD requires students to take surveys about their mental or psychological problems and potentially illegal, anti-social, self-incriminating or demeaning behavior.

Students in WGSD are being asked probing questions about their mental well-being as well as questions that could reveal potentially illegal, anti-social, self-incriminating, or demeaning behavior about themselves. These are forms of data that students cannot be required to reveal under the PPRA without parental consent.²⁷

One of the most egregious violations comes in the form of the Project Wayfinder Waypoints survey that high school students are required to take in their weekly advisory class. As explained numerous times in this letter, questions directed to students in regularly administered Project Wayfinder Waypoints surveys have entire columns dedicated to sensitive topic areas such as mental health, self-awareness, community, and relationships, any and all of which will necessarily intrude into areas covered by the PPRA.

Students answer these questions on their personal cell phones, devices, computers, or school computers. In response to each question, they are supposed to rank the level with which they agree with the prompt on a scale of 1-5, with 1 being the lowest and 5 being the highest. Below is a sample of questions from Weeks 1-19 with particularly intrusive questions regarding mental health highlighted (date columns have been removed from this excerpt).

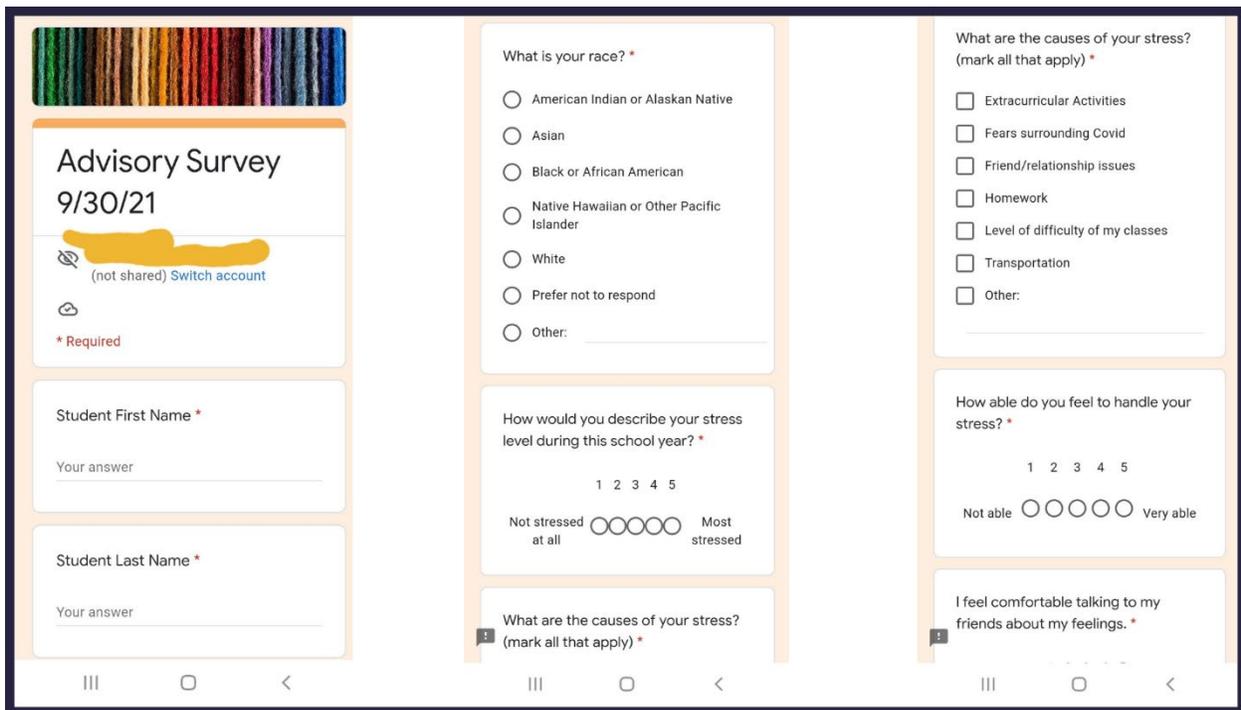
Week	MENTAL HEALTH	SELF AWARENESS	COMMUNITY	RELATIONSHIPS	AGENCY	ENERGY
Week 1	I feel comfortable meeting new people in my classes	I feel comfortable with who I am	I feel that my peers are accepting of others	I have a friend I can trust and confide in	I have an open mind and am aware of other people's culture and race	I feel safe at school
Week 2	I feel comfortable in managing my time	I can see myself being successful in my classes	I see opportunities for my own growth	I have a trusted adult who can support me and give me advice	I accept others who are different from me	I can have fun at school
Week 3	I have plans for my future	I have hobbies that make me happy	I can recognize other people's perspectives	I have a trusted adult on campus I can go to when I am struggling	I feel empowered at school to talk about who I am	I can find joy in my life
Week 4	I feel I belong in my school community	I have a good sense of who I am and what is important to me	I value others and their opinions	I feel comfortable talking to my teachers	I feel safe to express my thoughts and opinions	I have activities in my life that make me happy
Week 5	I am able to manage my stress levels	I learn from my mistakes	My family supports me in my academic and personal life	I feel comfortable talking with my friends about personal things	I am curious and like to learn new things	I have found ways to relieve stress in my life
Week 6	I like coming to school	I am able to adjust to situations and the things that come up in my life	I am connected to my family	There are adults on campus who understand me	I see the purpose of school and try to do my best	I know the names of most of the students in my class
Week 7	I am able to talk about my feelings	I have a good sense of who I am and what is important to me	I feel like I am part of a safe and caring school environment	I feel connected to my teachers or another school staff member	I am curious and often want to know more about people	I have activities or events in my life that I look forward to
Week 8	I can identify and name my feelings	I think about who I am and how I belong	I believe the school staff care about me and my peers	I feel connected to my peers	I like to meet new people	There are activities that I do with my family that are fun (family)
Week 9	I have coping skills I use when I feel sad	I reflect on my strengths and know the areas where I can grow	I feel supported by my family (family)	I feel like people listen to me and I am understood	School is a safe place for me to ask questions	There are activities at school that are fun
Week 10	I am able to cope with life's stressors	I am able to talk about my identity and ask questions	I feel my teachers are approachable and supportive	When I feel my sad or frustrated I have people I can turn to for support	I feel comfortable advocating for myself	I can name three things that bring me joy

²⁷ 20 U.S.C. § 1232h(b)(2), (4).

Week 11	I am hopeful for the future	I have strong beliefs and values	My school is a place that embraces diversity	I like coming to school to see my teachers and my friends	I feel safe to talk about race, culture and identity at school	We are active in class
Week 12	I can motivate myself to get things done	I can identify my personal values	I am involved in my school community	My teachers reach out to me if they notice I am not myself	I see the purpose of school and try to do my best	I can find joy in my life
Week 13	I am a self starter	I have a fairly positive outlook on life and my future	I like hanging out with my family	My family know me well enough to know when something is wrong with me (family)	What I learn in school I apply in my daily life	I can have fun at school
Week 14	I like starting new tasks	I know what gets me excited and can name my passions	I know how to find resources to help me plan my future	I have friends who are important to me	I research information or seek advice when I am making a big decision	I look forward to breaks from school so I can relax
Week 15	I feel accomplished when I complete a task	I think about my future and often make plans or set goals	When I see an opportunity that will help me or others I am not afraid to take it	I feel I have supportive teachers	Before I act on something, I think it through, thinking about the consequences	I have found ways to relieve stress in my life
Week 16	I feel engaged and motivated in school	I have a plan for my future and I know the steps I need to take to get there	I participate in activities and after school events	I tend to resist negative social pressures	I find school to be interesting and I like learning	I know the names of most of the students in my class
Week 17	I feel like people listen to me	I can make decisions that are good for me	I feel like my voice matters in the classroom	I have friends who are important to me	When things are tough, I tend to stay positive and find solutions to my problems	I have activities or events in my life that I look forward to
Week 18	I feel seen and heard at school	I don't let other make decisions for me unless I am comfortable with the decision	I feel that my voice matters at home	I can be myself around my friends	I can often find solutions for issues/problems that come up	There are activities that I do with my family that are fun (family)
Week 19	I feel my teachers see and hear me	I have choice in what I do and who I do it with	I believe that others listen to my ideas and thoughts	I tend to resist negative social pressures	When I feel stuck, I am able to ask for help	I can name three things that bring me joy

WGSD also requires its high school students to take a “Stress and Trusted Adult Survey” through Canvas. After asking the students for their full name, the survey asks students to rank their stress level, list out what is causing their stress, rank their ability to handle their stress, and rank their comfort level talking about their feelings.

Here are some screenshots of that survey:



The Project Wayfinder “Purpose Survey” also asks questions about a student’s mental or psychological state.

Purpose // Control Survey

Once you get upset, how often can you get yourself to relax?

Almost never Once in a while Sometimes

Frequently Almost always

When things go wrong for you, how calm are you able to remain?

Not calm at all Slightly calm

Somewhat calm Quite calm

Extremely calm

How well do people at your school understand you as a person?

Purpose // Control Survey

When everybody around you gets angry, how relaxed can you stay?

Not relaxed at all Slightly relaxed

Somewhat relaxed Quite relaxed

Extremely relaxed

How often are you able to control your emotions when you need to?

Almost never Once in a while Sometimes

Frequently Almost always

Project Wayfinder - Purpose Survey: Mental Health Questions

Purpose // Control Survey

How clear is your sense of purpose in your life?

Not at all clear A little bit clear

Somewhat clear Quite clear

Extremely clear

How well do you understand what gives your life meaning?

Do not understand Understand a little

Understand somewhat Understand quite well

Understand extremely well

Purpose // Control Survey

How confident are you that you have discovered a satisfying purpose for your life?

Not at all confident Slightly confident

Somewhat confident Quite confident

Extremely confident

How clearly do you understand what it is that makes your life feel worthwhile?

Not at all clearly A little bit clearly

Somewhat clearly Quite clearly

Extremely clearly

Project Wayfinder - Purpose Survey: Mental Health Questions

5. WGSD requires students to take surveys about their family member’s mental or psychological problems and critical appraisals of other individuals with whom they have close family relationships.

Students in WGSD are being asked probing questions about mental well-being of their family members and questions that invite critical appraisals of individuals with whom the students have close family relationships. These are forms of data that students cannot be required to reveal under the PPRA without parental consent.²⁸

Again, one of the most egregious potential violations comes in the form of the Project Wayfinder Waypoints weekly surveys administered in an advisory class at WGHS referenced previously. Below is a sample of questions from Weeks 20-42 with particularly intrusive questions highlighted (date columns have been removed from this excerpt).

Week	MENTAL HEALTH	SELF AWARENESS	COMMUNITY	RELATIONSHIPS	AGENCY	ENERGY
Week 20	I feel comfortable meeting new people in my classes	I am aware of and comfortable with my cultural, racial, and personal identity	I feel that my peers are accepting of others	I have a friend I can trust and confide in	I have an open mind and am aware of other people's culture and race	I feel safe at school
Week 21	I feel comfortable in managing my time	I can talk about my culture and my race with my friends	I see opportunities for my own growth	I have a trusted adult who can support me and give me advice	I accept others who are different from me	I can have fun at school
Week 22	I have plans for my future	I can talk about my culture and my race with adults at school	I can recognize other people's perspectives	I have a trusted adult on campus I can go to when I am struggling	I feel empowered at school to talk about who I am	I can find joy in my life
Week 23	I feel I belong in my school community	I like who I am and am proud of my culture and personal identity	I value others and their opinions	I feel comfortable talking to my teachers	I feel safe to express my thoughts and opinions	I have activities in my life that make me happy
Week 24	I feel my teachers see and hear me	I have choice in what I do and who I do it with	I believe that others listen to my ideas and thoughts	I tend to resist negative social pressures	When I feel stuck, I am able to ask for help	I can name three things that bring me joy
Week 25	I feel like my friends listen to me	I have choice in what I learn	I have a voice to make change at school	I don't often feel like I am being left out	When I can't figure something out, I ask a friend or adult for help	I know the names of most of the students in my class
Week 26	I am taken seriously for my ideas	I can advocate for myself	I have a voice to make change in my community	I can tell my friends when I don't like something they are saying or doing	I do my best to find positive ways to deal with problems or issues that come up	I have activities or events in my life that I look forward to
Week 27	I am able to talk about my feelings	I have a good sense of who I am and what is important to me	I feel like I am part of a safe and caring school environment	I feel connected to my teachers or another school staff member	I am curious and often want to know more about people	There are activities that I do with my family that are fun (family)
Week 28	I can identify and name my feelings	I think about who I am and how I belong	I believe the school staff care about me and my peers	I feel connected to my peers	I like to meet new people	There are activities at school that are fun
Week 29	I have coping skills I use when I feel sad	I reflect on my strengths and know the areas where I can grow	I feel supported by my family (family)	I feel like people listen to me and I am understood	School is a safe place for me to ask questions	I can name three things that bring me joy
Week 30	I can motivate myself to get things done	I can identify my personal values	I am involved in my school community	My teachers reach out to me if they notice I am not myself	I see the purpose of school and try to do my best	We are active in class
Week 31	I am a self starter	I have a fairly positive outlook on life and my future	I like hanging out with my family	My family know me well enough to know when something is wrong with me (family)	What I learn in school I apply in my daily life	I can find joy in my life
Week 32	I like starting new tasks	I know what gets me excited and can name my passions	I know how to find resources to help me plan my future	I have friends who are important to me	I research information or seek advice when I am making a big decision	I can have fun at school
Week 33	I feel accomplished when I complete a task	I think about my future and often make plans or set goals	When I see an opportunity that will help me or others I am not afraid to take it	I feel I have supportive teachers	Before I act on something, I think it through, thinking about the consequences	I have activities in my life that make me happy
Week 34	I feel engaged and motivated in school	I have a plan for my future and I know the steps I need to take to get there	I participate in activities and after school events	I tend to resist negative social pressures	I find school to be interesting and I like learning	I have found ways to relieve stress in my life

²⁸ 20 U.S.C. § 1232h(b)(2), (5).

Week 35	I feel like people listen to me	I can make decisions that are good for me	I feel like my voice matters in the classroom	I have friends who are important to me	When things are tough, I tend to stay positive and find solutions to my problems	I know the names of most of the students in my class
Week 36	I feel seen and heard at school	I don't let other make decisions for me unless I am comfortable with the decision	I feel that my voice matters at home	I can be myself around my friends	I can often find solutions for issues/problems that come up	I have activities or events in my life that I look forward to
Week 37	I feel my teachers see and hear me	I have choice in what I do and who I do it with	I believe that others listen to my ideas and thoughts	I tend to resist negative social pressures	When I feel stuck, I am able to ask for help	There are activities that I do with my family that are fun
Week 38	I feel like my friends listen to me	I have choice in what I learn	I have a voice to make change at school	I don't often feel like I am being left out	When I can't figure something out, I ask a friend or adult for help	I can name three things that bring me joy

Week	MENTAL HEALTH	SELF AWARENESS	COMMUNITY	RELATIONSHIPS	AGENCY	ENERGY
Week 39	I am taken seriously for my ideas	I can advocate for myself	I have a voice to make change in my community	I can tell my friends when I don't like something they are saying or doing	I do my best to find positive ways to deal with problems or issues that come up	I have found ways to relieve stress in my life
Week 40	I have coping skills I use when I feel sad	I reflect on my strengths and know the areas where I can grow	I feel supported by my family (family)	I feel like people listen to me and I am understood	School is a safe place for me to ask questions	I think it's important to find joy in life
Week 41	I am able to cope with life's stressors	I am able to talk about my identity and ask questions	I feel my teachers are approachable and supportive	When I feel my sad or frustrated I have people I can turn to for support	I feel comfortable advocating for myself	I look forward to breaks from school so I can relax
Week 42	I am hopeful for the future	I have strong beliefs and values	My school is a place that embraces diversity	I like coming to school to see my teachers and my friends	I feel safe to talk about race, culture and identity at school	I have activities in my life that make me happy

WGSD did not ask parents to consent to these student surveys.

Parents have not been asked for permission to survey their minor children. Because different schools employed different standards at different times, it is difficult to generalize the extent of notice schools provide, or the degree of transparency about surveys, or how parents are expected to consent, if at all. Thus, we ask you to investigate whether and how WGSD is obtaining parental consent.

Parents relate that they know of no parent who has ever been asked to provide their prior, written consent to such surveys. In the majority of the examples provided above, parents either (1) did not know their child was receiving surveys, or (2) if they did, they were stonewalled by administrators or teachers or different parents were told different things when trying to learn what was actually in the surveys. Transparency and privacy of student data are of the utmost concern to parents. There are likely parents who still do not know their high schoolers are being surveyed in the advisory class with Project Wayfinder Waypoints surveys. Per the recent Class of 2026 video²⁹ on the homepage of the Webster Groves High School website, it looks like the school is going to continue using Project Wayfinder Waypoints next year, surveying every other week to identify students in need of mental health intervention.

The concerned parents we represent do not see how they have, in any sense, consented. They were given little to no knowledge that these surveys would be administered, or what the contents would consist of. They never signed an affirmative consent form. In nearly all instances, they were not even told of an option to opt out. While we know of an instance where a parent complained repeatedly to the principal about the Project Wayfinder Waypoints surveys administered in the advisory class and was allowed to opt out, that only occurred after the *parent* told the *principal* that the PPRA guaranteed parents that right. The parent was initially told that

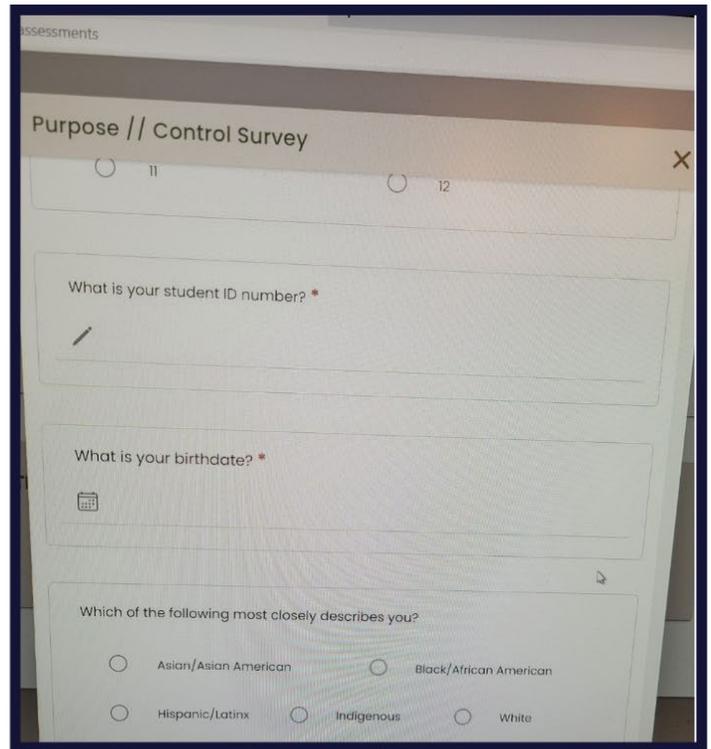
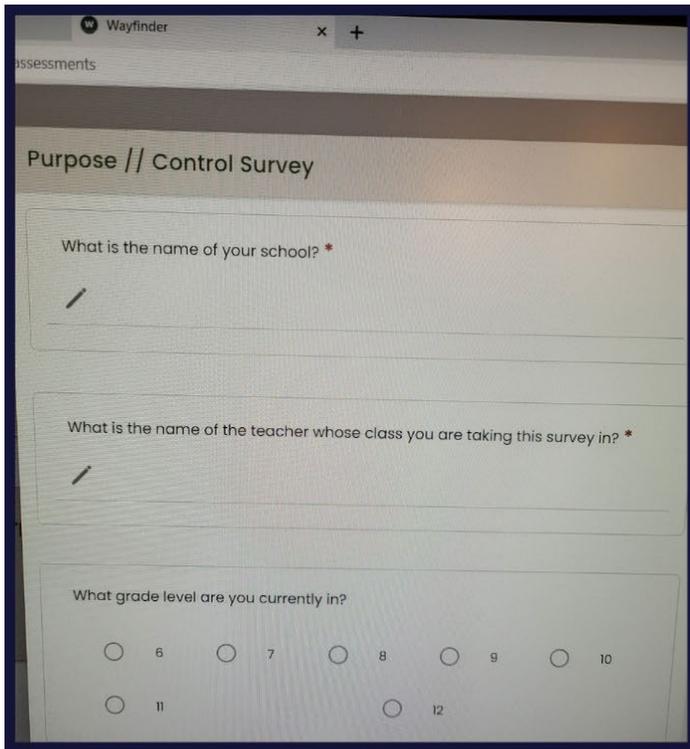
²⁹ See <https://www.webster.k12.mo.us/wghs>.

the class was mandatory. Only after the parent reached wits' end after learning that the survey data was not anonymous did the parent inform the administrator that sharing survey data was totally inappropriate, that the parent did not give consent to the school, and that the parent would be opting out the student. We therefore urge you to investigate how, and in what manner, WGSD believes that it is obtaining the requisite consent, if indeed it does.

WGSD parents have legitimate concerns that survey responses are not anonymous.

Concerned parents indicate that the survey responses are not anonymous. At least one of the surveys requires students to provide their first and last names, among other identifying information. One parent was told firsthand that these surveys are not anonymous and that survey responses were being shared with other people unknown to the parent. In the exchange referenced above, where the parent demanded to opt out the student, other administrators repeatedly emailed the student to complete the surveys, meaning that they knew who had and had not taken them. When the parent discussed the matter with the school, the parent learned from offhand comments that the data was being shared among administrators and staff who went through student responses.

Here are some examples of surveys that collect personally identifying information such as name, student ID number, teacher, and birthdate.



Project Wayfinder - Purpose Survey: Personal Information Questions

Wayfinder

Belonging // Control Survey

What is the name of your school? *

What is the name of the teacher whose class you are taking this survey in? *

What grade level are you currently in?

6 7 8 9 10

11 12

Belonging // Control Survey

What is your student ID number? *

What is your birthdate? *

Which of the following most closely describes you?

Asian/Asian American Black/African American

Hispanic/Latinx Indigenous White

Bi- or multi-racial Other

Project Wayfinder - Belonging Survey: Personal Information Questions

Advisory Survey
9/30/21

(not shared) [Switch account](#)

* Required

Student First Name *

Your answer

Student Last Name *

Your answer

What is your race? *

American Indian or Alaskan Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Prefer not to respond

Other: _____

How would you describe your stress level during this school year? *

1 2 3 4 5

Not stressed at all ○○○○○ Most stressed

What are the causes of your stress? (mark all that apply) *

Extracurricular Activities

Fears surrounding Covid

Friend/relationship issues

Homework

Level of difficulty of my classes

Transportation

Other: _____

How able do you feel to handle your stress? *

1 2 3 4 5

Not able ○○○○○ Very able

I feel comfortable talking to my friends about my feelings. *

Students access some surveys through school-issued Chromebooks using personally identifiable school e-mail accounts. Additional privacy and compliance concerns are implicated by the fact that many of the surveys apparently are facilitated by third-party vendors, such as Panorama Education and Project Wayfinder. The use of outside vendors for these concerning surveys heightens the parents' concern that contracts with vendors do not adequately protect student privacy.

There is a sufficient legal basis to launch an investigation.

On behalf of concerned parents, we request that you investigate possible violations of Section 161.096. While Section 161.096 does not provide parents with an enforcement right, it does vest it to the Attorney General.³⁰

Section 161.096 requires the State Board to develop a rule mandating that DESE ensures compliance with the FERPA, PPRA, and all other student privacy laws,³¹ and to ensure “routine and ongoing compliance” out of DESE.³² Furthermore, the survey questions venture into protected topics like political beliefs and sexual behavior or attitudes.³³ The parents respectfully request that you fully investigate whether these statutory obligations are being met by the Board, DESE, and WGSD.

Parents request that this investigation include the third-party vendors with access to student data like Panorama Education and Project Wayfinder. As explained above, DESE's rule must ensure that any contracts governing databases, assessments, or instructional supports with student data that are outsourced to private vendors adequately safeguard student privacy and security.³⁴ The adequacy of those contractual provisions in achieving the stated goal is critical to this inquiry and essential to the parents.

With respect to the third-party vendors, we respectfully ask that the investigation include ascertainment of: (1) what those companies are doing with student responses, (2) how they ensure anonymity, and (3) whether they are disseminating the results and to whom. We also ask you to investigate whether third-party vendors are considered “school officials” who can receive student data absent parental consent.

The authority of the Missouri Attorney General under Section 161.096.6 includes subpoenaing witnesses, compelling their attendance and testimony and under oath, as well as the production of documents. You can be assured that we will take all appropriate measures on behalf

³⁰ See *Belton Sch. Dist. 124*, 2021 U.S. Dist. LEXIS 230116, at *16 (“[T]he right to initiate civil actions based on violations of this section [§ 161.096] is reserved to the Attorney General.”).

³¹ See § 161.096.1(2), RSMo.

³² § 161.096.1(5), RSMo.

³³ § 161.096.1.3, RSMo; 20 U.S.C. § 1232h(a)-(b).

³⁴ § 161.096.1.3, RSMo.

of concerned parents to ensure the facilitation of this investigation. Please direct any requests for assistance to us.

Thank you for your hard work and full attention to this important matter. We wish to receive a response and be notified with updates as appropriate.

Yours in Freedom,

s/ Kimberly S. Hermann
KIMBERLY S. HERMANN
Southeastern Legal Foundation
General Counsel

s/ B. H. Boucek
BRADEN H. BOUCEK
Southeastern Legal Foundation
Director of Litigation