

From: Natasha Joly ·
Date: December 4, 2023 at 8:29:42 PM EST
To: "Varley, Dr. Melissa" <mvarley@bhpsnj.org>
Cc: Angela Penna <apenna@bhpsnj.org>, Joy Young <jyoung@bhpsnj.org>, Robert Cianciulli <rcianciulli@bhpsnj.org>, Pamela Stanley <pstanley@bhpsnj.org>, Jordan Hyman <jhyman@bhpsnj.org>, Gale Bradford <gbradford@bhpsnj.org>, Dipti Khanna <dkhanna@bhpsnj.org>, Thomas Foregger <tforegger@bhpsnj.org>, Anthony Juskievicz <ajuskievicz@bhpsnj.org>
Subject: Re: Bussing Survey

Dr. Varley,

Thank you for your prompt response even though you are not in the office.

Based on my understanding, Ms. Kapuscinski was the District rep for the SRTS program. On an annual basis, and coinciding with walk/bike to school days, teachers would ask their classes who walked/biked to school. Those tallies would be sent to Ms. Marley who is the admin rep. Ms. Marley would aggregate and forward to Ms. Kapuscinski to submit to the state as part of the annual SRTS application. As you can see, Ms. Kapuscinski had no input into tallies other than reporting what was reported to her.

In the current situation, Ms. Kingsley made the request directly to BHPS administration for these tallies in support of the SRTS grant application. Which brings us to the survey.

The Google form which was sent to kids to complete certainly meets the definition of a survey. It is collecting information at the student level and documenting it as such. Personal information is captured - a student's method of getting to school is personal information and may have safety implications. If my child walked to school, I'd want to know if that information is captured, how it's secured and how it's used. This is very different from a teacher counting hands in response to a verbal question. The Google form survey was also sent out 4 times - why? What controls are in place - can a student respond more than once? What controls are in place to keep that information secure? Before you answer that the survey is anonymous, it's hard to believe that a student accessing the survey from a district issued email which is controlled by a district issued password remains anonymous.

Perhaps the administration didn't think it was a big deal to transition the "tallies" to a Google form. But as you can appreciate, this situation highlights a gap in the administration's procedures when it comes to surveying kids.

Circling back to the original questions, it would appear that the decision to survey the kids did not go through a formal approval process and is in violation of policy since parents were not informed first. Please correct me if I'm wrong.

Finally, Ms. Kapuscinski's role is misrepresented in your email. She had nothing to do with this survey, nor did the PTO. By claiming (erroneously) that she did doesn't absolve the administration from failing to notify parents prior to conducting the survey.

I think it would be wise for the administration to reach out to parents to explain what was done and give them the opportunity to opt out as required by law.

I'm also including the entire board and board secretary - I'm not sure why they were left off.

Thank you,
Natasha

On Dec 4, 2023, at 11:05 AM, Varley, Dr. Melissa <mvarley@bhpsnj.org> wrote:

Natasha,

This wasn't officially a survey. Every year, the PTO (Ms. Kapusinski) asks for us to take "tallies" of how children get to school and home. Usually the classroom teacher asks in the classroom, how did you get to school? How will you get home? Mr. Kobliska just changed the method of asking that question into a google form.

There is no personal information given. The numbers of walkers, bus riders, car riders, etc are then given back to Ms. Kapusinski, so that she can turn it into Jeanne Kingsley. There is no personal data. These are just numbers. The town then uses these numbers to put it into their Safe Routes to School Grant application.

Ms. Kapusinski is well aware of this information, because she worked with Mrs. Marley to have the data asked for.

Sincerely,

Melissa Varley

On Mon, Dec 4, 2023 at 7:09 AM Natasha Joly <natasha.joly@bhpsnj.org> wrote:
Good morning Dr. Varley and all.

The questions being asked are valid. There are three main issues:

1. Survey of children being conducted without parental knowledge or consent in apparent violation of state and federal laws.
2. The purpose of this survey - how is the data is being used and by whom?

3. The decision process to determine how this survey would be conducted and who would be surveyed.

I'm confused and concerned as to why this survey wasn't sent to parents who are in charge of their kids' transportation to school. And given that we've hired a transportation consultant, wouldn't it make sense to have this third party execute the survey on behalf of the district? Will the consultant be conducting their own survey?

Please provide a response to the questions asked and please advise what you are doing to mitigate the legal risks stemming from how the survey was executed.

Thank you,
Natasha

On Dec 1, 2023, at 9:33 AM, BHCW TEAM <team@bhcw.io> wrote:

Dr. Varley,

This conversation is again going in circles.

I did not ask who created the survey - my questions connect to aspects of its distribution. As this was, to my knowledge, distributed in CMS I am not clear as to how Ms. Nardi or Ms. Marley would know the answers.

The question is why the District sent this without parental consent per our district policy and the guidelines set forth by the New Jersey Department of Education and the United States Department of Education.

This is a question for you to answer. It is not my job to ensure that the District complies with laws on essential matters connected to how it obtains students' personal information. This is something I assume you would be aware of as Superintendent. Can you please provide me answers to my questions.

Would you please share the survey sent to students with me?

Would you please share how the cohort of students surveyed was selected?

Would you please also share the purpose of the survey and if the plans of the district are to use the skewed data, regarding transportation, collected by minor students, to drive any decision-making regarding bussing.

I would also like to understand the decision making process for student surveys; who is writing, approving and administering them?

And lastly,

Please let me know why this data was collected and who it was provided to, specifically- this year.

And again, for your reference:

P 2415 Every Student Succeeds Act
Student Surveys, Analysis, and/or evaluations
The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive Federal funding from the United States Department of Education. The district will comply with the requirements as outlined in Policy 2415.05 - Student Surveys, Analysis and/or Evaluations in accordance with the PPRA.

P 2415.05 Student Surveys, Analysts, Evaluations, Examinations, Testing or Treatment
The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive funding from the United States Department of Education (USDOE). The PPRA requires written consent from parents or the emancipated student the opportunity to opt out of participation in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or in part by a program of the United States Department of Education.

-Laura

--

[Berkeley Heights Community Watch](#)

From: Varley, Dr. Melissa <mvarley@bhpsnj.org>
Sent: Friday, December 1, 2023 8:41 AM
To: BHCW TEAM <team@bhcw.io>
Cc: Juskiewicz, Anthony <ajuskiewicz@bhpsnj.org>;
dkhanna@bhpsnj.org <dkhanna@bhpsnj.org>; gbradford@bhpsnj.org <gbradford@bhpsnj.org>; jhyman@bhpsnj.org <jhyman@bhpsnj.org>;
jyoung@bhpsnj.org <jyoung@bhpsnj.org>; pstanley@bhpsnj.org <pstanley@bhpsnj.org>; Sai Bhargavi Akiri

tforegger@bhpsnj.org <tforegger@bhpsnj.org>; Natasha Joly

rcianciulli@bhpsnj.org <rcianciulli@bhpsnj.org>; Angela Penna <apenna@bhpsnj.org>; Brenda Marley <bmarley@bhpsnj.org>; Jessica Nardi <jnardi@bhpsnj.org>

Subject: Re: Bussing Survey

Due to the fact that Brenda Marley and Jess Nardi work closely with the PTO and the Town to create this survey, I will direct your questions to them. This is not a new survey, this is a survey we send out each year to work with the town on the Safe Routes to School Grant.

I've attached them both to this email.

On Fri, Dec 1, 2023 at 8:36 AM BHCW TEAM <team@bhcw.io> wrote:

Good Morning Dr. Varley,

Thank you for your reply. I was not on the Committee- I was the District Representative. Even if I were on the committee "You should have known" is not a response to my question - isn't the fact that I didn't know more concerning?

Let me repeat the questions I asked again:

Would you please share the survey sent to students with me?

Would you please share how the cohort of students surveyed was selected?

Would you please also share the purpose of the survey and if the plans of the district are to use the skewed data, regarding transportation, collected by minor students, to drive any decision-making regarding bussing.

I would also like to understand the decision making process for student surveys; who is writing, approving and administering them?

And lastly,

Please let me know why this data was collected and who it was provided to, specifically- this year.

And again, for your reference:

P 2415 Every Student Succeeds Act
Student Surveys, Analysis, and/or evaluations
The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive Federal funding from the United States Department of Education. The district will comply with the requirements as outlined in Policy 2415.05 - Student Surveys, Analysis and/or Evaluations in accordance with the PPRA.

P 2415.05 Student Surveys, Analysts, Evaluations, Examinations, Testing or Treatment

The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive funding from the United States Department of Education (USDOE). The PPRA requires written consent from parents or the emancipated student the opportunity to opt out of participation in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or in part by a program of the United States Department of Education.

Thank You.

--

[Berkeley Heights Community Watch](#)

From: Varley, Dr. Melissa <mvarley@bhpsnj.org>

Sent: Friday, December 1, 2023 7:26 AM

To: BHCW TEAM <team@bhcw.io>

Cc: Juskiewicz, Anthony <ajuskiewicz@bhpsnj.org>;

dkhanna@bhpsnj.org <dkhanna@bhpsnj.org>;

gbradford@bhpsnj.org <gbradford@bhpsnj.org>;

jhyman@bhpsnj.org <jhyman@bhpsnj.org>; jyoung@bhpsnj.org

<jyoung@bhpsnj.org>; pstanley@bhpsnj.org

<pstanley@bhpsnj.org>; Sai Bhargavi Akiri

tforegger@bhpsnj.org <tforegger@bhpsnj.org>; Natasha Joly

rcianciulli@bhpsnj.org <rcianciulli@bhpsnj.org>; Angela Penna

<apenna@bhpsnj.org>

Subject: Re: Bussing Survey

This survey is sent each year with our partnership with the town and their quest to receive a Safe Routes To School Grant. I do believe, Ms. Kapusinski, that you are on that committee for the PTO.

Thanks,

Melissa Varley

On Thu, Nov 30, 2023 at 8:28 PM BHCW TEAM

<team@bhcw.io> wrote:

Thank you for your response and looking into this.

Survey was titled "Travel to School"

Survey was sent from pkobliska@bhpsnj.org

Survey was sent to students on 10/24, 10/25, 10/26 and 10/27

Through my own investigating and talking to multiple parents, I learned that this survey was not specific to bussing, but travel in general. I am somewhat surprised to hear that not a single administrator had any idea about this survey that was sent to students at CMS and what I can only certain was data collected as a result of it being sent to students.

While I do not know the specific reasoning behind the survey being sent (I can, however, speculate it was at the request of the township to fulfill needed data to submit a grant for a Mountain Avenue sidewalk project, as the timeline matches up), it doesn't change the fact that our students were surveyed and data as collected from this survey and submitted to...??? This is not a practice that is acceptable to parents, the NJ DOE or the US DOE.

Please let me know why this data was collected and who it was provided to.

<29f9afcc-e9e7-45fe-abb8-6fd81bd073ab.jpeg>
<ac97baf6-b2e2-407b-bb4a-d631cc2c9d1f.jpeg>
<246a049f-3c4a-402d-99b2-c6bcce3f8568.jpeg>

Laura

--

[Berkeley Heights Community Watch](#)

From: Juskiewicz, Anthony <ajuskiewicz@bhpsnj.org>

Sent: Thursday, November 30, 2023 7:07 PM

To: BHCW TEAM <team@bhcw.io>

Cc: Dr. Melissa Varley <mvarley@bhpsnj.org>; Angela Penna <apenna@bhpsnj.org>

Subject: Bussing Survey

Laura, I investigated the information that was sent below and the District did not send out a bussing survey to students. If there was a bussing survey can you kindly forward the email that the survey was contained in so that we may view the survey and determine the origin and what and the information contained in it.

Thank you and have a good evening.

From: **BHCW TEAM** <team@bhcw.io>

Date: Thu, Nov 30, 2023 at 3:37 PM

Subject: Bussing Survey

To: apenna@bhpsnj.org <apenna@bhpsnj.org>, dkhanna@bhpsnj.org <dkhanna@bhpsnj.org>, gbradford@bhpsnj.org <gbradford@bhpsnj.org>, jhyman@bhpsnj.org <jhyman@bhpsnj.org>, pstanley@bhpsnj.org <pstanley@bhpsnj.org>, rcianciulli@bhpsnj.org <rcianciulli@bhpsnj.org>, tforegger@bhpsnj.org <tforegger@bhpsnj.org>, jyoung@bhpsnj.org <jyoung@bhpsnj.org>, mvarley@bhpsnj.org <mvarley@bhpsnj.org>

Cc: Sai Bhargavi Akiri ·

Natasha Joly

Good afternoon!

I hope this email finds you well. The purpose of this communication is to inquire about the recent bussing transportation survey sent to students in the district.

It has come to our attention that this survey was;

1. Not announced or made public;
2. Provided only to students;
3. Subject area was regarding bussing.

I have highlighted our district policy regarding surveys and the unethical nature of sending surveys to students in an effort to collect data without parental consent or ensuring every student was aware he or she could opt out of the survey.

Would you please share the survey sent to students with me?

Would you please share how the cohort of students surveyed was selected?

Would you please also share the purpose of the survey and if the plans of the district are to use the skewed data, regarding transportation, collected by minor students, to drive any decision-making regarding bussing.

I would also like to understand the decision making process for student surveys; who is writing, approving and administering them?

If any of the information herein was misunderstood, I welcome clarity on this bussing survey.

P 2415 Every Student Succeeds Act
Student Surveys, Analysis, and/or evaluations

The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive Federal funding from the United States Department of Education. The district will comply with the requirements as outlined in Policy 2415.05 - Student Surveys, Analysis and/or Evaluations in accordance with the PPRA.

P 2415.05 Student Surveys, Analysts, Evaluations, Examinations, Testing or Treatment
The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive funding from the United States Department of Education (USDOE). The PPRA requires written consent from parents or the emancipated student the opportunity to opt out of participation in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or in part by a program of the United States Department of Education.

Thank you,
Laura

--

[Berkeley Heights Community Watch](#)

--

Business Administrator/Board Secretary
Berkeley Heights Public Schools
345 Plainfield Ave.
Berkeley Heights, NJ 07922
908-464-1601 x1400
908-464-7673 fax
Email: ajuskiewicz@bhpsnj.org

--

Dr. Melissa Varley
Superintendent of Schools
Berkeley Heights Public Schools
Pronouns: She, her, hers
mvarley@bhpsnj.org
Follow me on twitter [@MelissaWVarley](https://twitter.com/MelissaWVarley)

--

Dr. Melissa Varley
Superintendent of Schools
Berkeley Heights Public Schools
Pronouns: She, her, hers
mvarley@bhpsnj.org
Follow me on twitter [@MelissaWVarley](https://twitter.com/MelissaWVarley)

--

Dr. Melissa Varley
Superintendent of Schools
Berkeley Heights Public Schools
Pronouns: She, her, hers
mvarley@bhpsnj.org
Follow me on twitter [@MelissaWVarley](https://twitter.com/MelissaWVarley)