



## MASSACHUSETTS LIBERTY LEGAL CENTER

Members of the BPS School Committee  
Dr. Eric Conti, Superintendent

April 8, 2025

Burlington Public Schools  
123 Cambridge St.  
Burlington, MA 01803

### **Via Email:**

[cmonaco@bpsk12.org](mailto:cmonaco@bpsk12.org)  
[mmassardo@bpsk12.org](mailto:mmassardo@bpsk12.org)  
[kbond@bpsk12.org](mailto:kbond@bpsk12.org)  
[jbrooks@bpsk12.org](mailto:jbrooks@bpsk12.org)  
[mnawoichik@bpsk12.org](mailto:mnawoichik@bpsk12.org)  
[conti@bpsk12.org](mailto:conti@bpsk12.org)

### **Re: Violation of Parent and Pupil Rights at BPS**

Dear Members of the BPS School Committee and Superintendent Conti,

I write on behalf of the undersigned parents of children in Burlington Public Schools (BPS) whose children were forced, against their wills and in clear violation of their parents' instructions to the District, to take the 2025 "Youth Risk Behavior Survey" (YRBS). This extensive, 45-minute survey asked students about numerous sensitive topics such as their drug and alcohol use, mental health issues, sexual encounters (including whether they had been victims of sexual assault), sexual orientation and gender identity, and more. Although many parents exercised their legal right to opt their children out of this intrusive and inappropriate survey, the school still told students that they had to take the survey – even if they didn't want to. This egregious violation of parental and student rights transgressed federal law. On behalf of these parents, we demand that BPS hold accountable those responsible for this violation and take steps to ensure that this never happens again, as more fully outlined at the conclusion of this letter.

### **Background**

As you know, BPS partnered with Lahey Health to create the YRBS. This process appears to have been overseen by BPS's "Wellness Committee" and funded in part by Lahey Health.<sup>1</sup> On March 6, 2025, BPS sent a message to parents informing them that it would be administering the survey to students and notified them of their right to opt their child out of

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<sup>1</sup> In 2018, BPS received a \$50,000 grant from Lahey Health to digitize the survey. See [this article](#).



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participation via an online ParentSquare form. The message also mentioned that participation in the survey was voluntary for students. In response, many parents chose to opt their children out through the form.<sup>2</sup>

However, during the school day on March 27, 2025, BPS emailed the YRBS to every student at Marshall Simonds Middle School and Burlington High School.<sup>3</sup> The students were told that they were required to take the survey unless they were on a list of students whose parents had opted them out. But many students who had, in fact, been opted out were not on the opt-out list. These students were told by their teachers that they needed to complete the survey. In at least one case, when a student protested and told the teacher that she had been opted out and that she did not want to take the survey, her teacher made her take the survey anyway since she was not on the opt-out list.

The survey asked questions such as:

- “Which of the following best describes your sexual orientation?”
  - Straight or heterosexual
  - Lesbian or gay
  - Asexual
  - Bisexual
  - Pansexual
  - Queer...
- “Which of the following terms best describes your current gender identity?”
  - Cisgender girl or woman
  - Cisgender boy or man
  - Transgender girl or woman
  - Transgender boy or man
  - Nonbinary or genderqueer...
- “The next question asks about sexual intercourse. Sexual intercourse includes vaginal sex which is when a penis goes inside of a vagina, oral sex which is contact between the mouth and genitals, anal sex which is when the penis goes inside an anus (butt), and use of toys or props (vaginal or anal).
  - Have you ever had sexual intercourse?”
- “Has anyone ever done sexual things to you or forced you to do sexual things that you did not want to?”

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<sup>2</sup> In addition, some parents had already opted their children out of all surveys by sending a letter to the District earlier in the year.

<sup>3</sup> One parent reports that although her son was not required to take the survey, he was required to sit in class while other students took it. As a result, another student shared one of the inappropriate questions with him.



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- “How old were you when you had your first drink of alcohol?”
  - I have never had a drink of alcohol other than a few sips
  - 8 years old or younger
  - 9 years old
  - 10 years old
  - 11 years old
  - 12 years old
  - 13 years old or older”
- “During the past month, what flavors were your tobacco products? Include vape products, cigarettes, cigars, and smokeless tobacco. You can choose more than one answer.”
  - I have not used a tobacco product in the past month
  - Fruit, alcohol, or candy flavors
  - Mint, menthol, or wintergreen flavors
  - Clove or spice...”

Unsurprisingly, many parents were extremely upset that the school violated the assurances that it had given them about opting their children out of the survey. These parents made their voices heard through messages to the administration and by engaging in public comment at the April 1<sup>st</sup> School Committee meeting. Despite further assurances from the administration that this kind of incident will not happen again, however, BPS has not taken any concrete steps to prevent future violations.

### **BPS Violated Federal Law**

The Protection of Pupil Rights Amendment (PPRA), codified at 20 U.S.C. § 1232h, is a federal law which requires all K-12 schools that receive federal funding to provide, at a minimum, notice to parents of any voluntary surveys administered to students that will cover sensitive topics such as “mental or psychological problems of the student or the student’s family,” “sex behavior or attitudes,” and “illegal, anti-social, self-incriminating, or demeaning behavior,” as well as an opportunity to opt their children out of participating in such surveys.<sup>4</sup> When a school requires students to receive such a survey (i.e., the student cannot opt themselves out) as part of any program funded by the Department of Education, parental consent must be obtained before the survey can be administered to any minor student.<sup>5</sup> A school that violates the PPRA may lose federal funding.<sup>6</sup>

BPS has clearly violated the PPRA. Not only did it fail to comply with parents’ opt-out instructions, it also forced students to take the survey even when they protested and said their parents had opted them out. And because the District failed to notify students that the survey was

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<sup>4</sup> 20 U.S.C. § 1232h(c)(2)(A).

<sup>5</sup> 20 U.S.C. § 1232h(b).

<sup>6</sup> 34 CFR § 98.10.



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voluntary and required them to take it even when they did not want to, BPS converted the ostensibly voluntary survey into a mandatory one. Therefore, BPS was required to receive affirmative consent from students' parents before administering it to them. It violated this legal requirement as well.

Ordinarily, a school district that failed to comply with the PPRA might be given some leeway – federal law can be complex and compliance is, understandably, not always perfect. But this is not the first time that Burlington Public Schools have violated the rights of parents and students. Under the guise of “inclusion” and “anti-bullying,” BPS has for years pushed controversial and divisive sexual, racial, and political ideologies upon impressionable students without providing parents with an opportunity to opt their children out. BPS has gone all-out to celebrate “LGBTQ+ Pride,” decking the halls at school with flags and posters, while denying pro-life students the opportunity to fly the pro-life flag on the school flagpole for even a day in January 2024. It has shown students videos suggesting that all white people view black men as inherently dangerous. “Gender nonconforming” BPS teachers have pressured students to use pronouns for the teacher that do not match their biological sex. BPS has attempted to hide the existence of an LGBTQ club from parents in order to keep them in the dark about their children’s sexuality. The list could go on.

While this most recent survey incident may have been a genuine accident, it was no accident that it happened in Burlington. Rather, it was the predictable result of an educational culture at BPS that does not take parental rights seriously and does not see a problem with foisting radical ideologies upon minor students. Changes must be made.

### **Demand and Conclusion**

In order to ensure that such an incident never happens again in Burlington, we are making the following demands:

- 1) Ensure accountability for those responsible for this incident, up to and including terminating them from their employment;
- 2) Revise BPS policies to prevent inappropriate and intrusive surveys from being administered to students which cover sensitive topics such as sexual behavior, drug and alcohol use, sexual orientation and gender identity, family problems, antisocial or incriminating behavior, etc., as listed in the PPRA. A model policy is attached to this letter; and
- 3) Require all staff and administrators to undergo mandatory training on the requirements of the PPRA.

In addition, we have filed PPRA complaints with the federal Department of Education on behalf of two affected families and may be filing additional complaints on behalf of other families. I have attached redacted copies of these complaints for your records.



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We want to see BPS succeed. But BPS's students are best served when their parents are involved in their education. Unfortunately, BPS has too often attempted to cut parents out of the picture. This must end. BPS can take the first steps to reforming its educational culture and respecting parental rights by complying with the demands above. In doing so, it will avoid further jeopardizing its federal funding and will ensure the success of its student body. We sincerely hope that this will be the start of a productive dialogue between the BPS administration and parents who feel that their concerns have thus far been ignored. We look forward to BPS taking swift action to correct this situation.

Very truly yours,

Sam Whiting  
Counsel  
Massachusetts Liberty Legal Center

**On behalf of:**

David Hanafin,  
Lori Hanafin,  
Cheryl Sheehan,  
Adrienne Simeone,  
John Simeone,  
Christine Steiner,

*and additional unnamed parents.*

**STUDENT SUBMISSION TO EDUCATIONAL SURVEYS AND RESEARCH**

In this policy, “surveys, analyses, or evaluations” refer to methods of gathering data for research purposes.

**Surveys Covering Protected Information**

The District shall not administer any survey, analysis, or evaluation to any student if such survey, analysis, or evaluation reveals information concerning:

- A. Political affiliations or beliefs of the student or the student’s parent;
- B. Mental or psychological problems of the student or the student’s family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- G. Religious practices, affiliations, or beliefs of the student or student’s parents; or
- H. 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 written consent of the student’s parent/guardian, or of the student, if he/she is 18 years of age or older).

**Surveys Not Covering Protected Information**

All instructional materials, including teachers' manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available upon request for inspection by the student's parent/guardian. For the purpose of this policy, "instructional material" does not include academic tests or assessments.

A parent/guardian may, upon request, receive a copy of a survey created by a third party before the survey is administered or distributed to a student.

The Superintendent or designee will be responsible for implementing any procedures necessary to protect the privacy of participating students and to provide parents/guardians with access to surveys within a reasonable time before administration or distribution.

The School District will notify parents/guardians of this policy at least annually at the beginning of the school year and within a reasonable time of any substantive change in policy. Where practical, the District will also directly notify parents/guardians annually at the beginning of the school year when surveys, analyses, or evaluations are scheduled or anticipated. Parents/guardians shall have the opportunity to opt their child out of participation in any survey, analysis, or evaluation, even if it does not cover one of the sensitive topics listed above. Students who are 18 years of age or older may opt out of such surveys, analyses, or evaluations.

Parents/guardians or eligible students who believe their rights have been violated may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

Legal reference: Protection of Pupil Rights Amendment, 20 U.S.C. § 1232(h)

Cross reference: JRA—Student Educational Records

Updated:





U.S. DEPARTMENT OF EDUCATION  
Protection of Pupil Rights Amendment (PPRA)

ATTACHMENT B

Parent/Student Complaint Form

SECTION 1: STUDENT INFORMATION

First Name: [REDACTED] Last Name: Hanafin Student Date of Birth: [REDACTED]

SECTION 2: COMPLAINANT INFORMATION

Your relationship to the student whose education records are the subject of this complaint. (If an attorney or advocate, please note that SPPO will not discuss the complaint with you without the prior consent of the parent or eligible student who maintains the rights under PPRA.)

☒ Parent or Legal Guardian ☐ Self ☒ Other (ex. Attorney/advocate on behalf of the parent or eligible student)

Title: [REDACTED] First Name: Sam Last Name: Whiting

Street Address: PO Box 336 Phone Number: 774-462-7043

City: Wakefield State: MA Zip: 01880 Email: sam@malibertylegal.org  
By listing an email address, you are giving SPPO permission to use the email address to contact you.

Name and title of the local education agency or school district superintendent: Eric Conti

Name of local educational agency (i.e., school district): Burlington Public Schools Phone Number: 781- 270-1801

Mailing Address: 123 Cambridge St. Dates Attended: 2016-Present

City: Burlington State: MA Zip Code: 01803 Date of Alleged Violation: 3/27/2025

SECTION 4: PPRA VIOLATION INFORMATION

Specifics of alleged PPRA violation:

[REDACTED] is a student at Marshall Simonds Middle School in Burlington. [REDACTED]'s parents, David and Lori Hanafin, sent a letter to the school district at the beginning of the school year to opt him out of all surveys. On March 27, 2025, [REDACTED] was nevertheless required to take a "Youth Risk Behavior Survey" that asked him questions about drug and alcohol use, sexual encounters, experiences with sexual violence, and sexual orientation and gender identity, among other sensitive topics.

If allegations concern a survey, provide the name of the survey, analysis or evaluation:

The 2025 Youth Risk Behavior Survey

Source of funding for survey, analysis, or evaluation (if known):

LEA, Lahey Health

Details of attempted resolution at local level:

Local School Officials Contacted	Dates	Results/Comments
Superintendent Conti, Asst. Super. Chen Principal McMahon, Asst. Principals	3/28/2025	No substantive response. No action has been taken to prevent incident from happening again.
Burlington School Committee, Superintendent Conti	4/1/2025	No action has been taken to prevent incident from happening again.

Details of attempted resolution at State level (if State resolution procedure exists):

State Education Officials Contacted	Dates	Results/Comments



## SECTION 5: CORRESPONDENCE INFORMATION

Describe any correspondence, such as newspaper articles, website postings, email or letter exchanges, that substantiates the information specifically required in Section 4 above. You may also attach copies of those relevant documents that support your allegations. Please note that, due to computer security concerns we will not accept the submission of audio or video files, CD/DVDs, or thumb drives. Also, the submission of nonessential, voluminous, or nonresponsive information may, among other things, delay the processing of your complaint, and could result in the dismissal and return of your complaint.

- See attached survey screenshots
- See attached emails from David Hanafin to Superintendent Conti, Asst. Super. Chen, Principal McMahon and Vice Principals
- See attached article, "Parents Call for Accountability After 'Inappropriate' Survey Administered at School," Nicci Kadilak, Burlington Buzz, April 2, 2025
- See attached demand letter sent on behalf of parents to Burlington School Committee and superintendent on April 8, 2025
- See testimony of David Hanafin at Burlington School Committee meeting on April 1, at timestamp 56:25-59:40, available at this link: <https://www.youtube.com/watch?v=mHY7ZIH2Vm0>

## SECTION 6: CERTIFICATION

/s/ Samuel J. Whiting, Esq.

**Complainant's Signature**

4/8/2025

**Date:**

**Privacy Act Statement.** The Department is authorized to solicit the information contained in this form by 20 U.S.C. 1232h. Your disclosure of the information requested on this Form is voluntary, but if you fail to provide any of the information, it may result in, among other things, your complaint being dismissed or returned to you for additional clarification. The principal purpose for which the information requested on this Form will be used is to resolve your complaint and determine whether the educational agency or institution violated PPRA. The Department has published the routine uses for which the information requested on this Form may be used in a system of records notice entitled "Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) Record Systems (18-05-02), which was last published in the Federal Register on June 4, 1999 (64 Fed. Reg. 30106, 30123-24). The routine uses include, but are not limited to, disclosing records to the educational agency or institution against which a complaint has been made or the State Educational Agency in that State. The Department may modify and update this system of records notice, in which case that update in addition to the Department's other systems of records notices may be found at: <https://www2.ed.gov/notices/ed-pia.html>. The effects of not providing any of the requested information on this Form may include, among other things, that your complaint is dismissed or returned to you for additional clarification.

**Paperwork Burden Notice.** According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number. The valid OMB control number for this information collection is 1875-XXXX. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Obligation to respond is voluntary. If you have questions on your individual submission of this form, write directly to: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520.

Reset Form

Print Form

Submit Form

The next question asks about your sexual orientation. This is who you are emotionally, romantically, or sexually attracted to. Your sexual orientation is not the same as your gender identity.

5. Which of the following **best describes your sexual orientation**? You may identify with more than one sexual orientation. Please pick the one that best describes you.

- ☐ Straight or heterosexual
- ☐ Lesbian or gay
- ☐ Asexual
- ☐ Bisexual
- ☐ Pansexual
- ☐ Queer
- ☐ I am not sure or questioning
- ☐ I do not know what this question means
- ☐ I prefer not to answer

6. **What is your race and/or ethnicity?** You can choose more than one answer.

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino

The next question asks about your gender identity. Gender identity is how you see yourself. You can see yourself as a male, female, a mix or both, or neither. It can be the same or different from the sex you were assigned at birth. Here are some helpful terms:

- "Cisgender" describes a person who feels their gender identity matches the sex that a doctor assigned them at birth.
- "Transgender" describes a person who feels their gender identity is different from the sex that a doctor assigned them at birth.
- "Nonbinary" describes people whose gender doesn't fit into just "male" or "female."
- "Genderqueer" describes people whose gender doesn't match traditional roles. Many genderqueer people use pronouns like "they/them."

3. Which of the following terms best describes your current gender identity? We understand that there are many different ways you may identify, please pick the one that best describes you.

- ☐ Cisgender girl or woman
- ☐ Cisgender boy or man
- ☐ Transgender girl or woman
- ☐ Transgender boy or man
- ☐ Nonbinary or genderqueer
- ☐ I am not sure or questioning
- ☐ I do not know what this question means
- ☐ I prefer not to answer

4. What sex were you assigned at birth, on your original birth certificate?

- ☐ Male



## Violence-Related Behaviors and Experiences

The next questions ask about sexual violence and dating violence.

26. **Has anyone ever done sexual things to you or forced you to do sexual things that you did not want to?** This includes things like pressuring you to take part in unwanted kissing, touching, or other types of sexual contact.

- ☐ Yes
- ☐ No
- ☐ I don't know

27. **Has someone you were dating or going out with ever done sexual things to you or forced you to do sexual things that you did not want to?** This includes things like pressuring you to take part in unwanted kissing, touching, or other types of sexual contact.

- ☐ I have never been on a date or gone out with someone
- ☐ Yes
- ☐ No

28. **Has someone you were dating or going out with physically hurt you?** This includes being hurt by being shoved, slapped, hit, kicked, or forced into sexual activity.

- ☐ I have never been on a date or gone out with someone
- ☐ Yes
- ☐ No

## Alcohol Use

The next questions ask about drinking alcohol. Alcohol includes beer, hard seltzers, wine, wine coolers, and liquor such as vodka, rum, whiskey, or tequila. For these questions, drinking alcohol does not include only drinking a few sips of wine for religious purposes.

50. How old were you when you had your first drink of alcohol (more than a few sips)?

- ☐ I have never had a drink of alcohol other than a few sips
- ☐ 8 years old or younger
- ☐ 9 years old
- ☐ 10 years old
- ☐ 11 years old
- ☐ 12 years old
- ☐ 13 years old or older

51. During the past month, did you ride in a car or other vehicle driven by someone who had been drinking alcohol?

- ☐ Yes
- ☐ No

Back

Next

56. **During the past month**, what flavors were your tobacco products? Include vape products, cigarettes, cigars, and smokeless tobacco. You can choose more than one answer.

- ☐ I have not used a tobacco product in the past month
- ☐ Fruit, alcohol, or candy flavors
- ☐ Mint, menthol, or wintergreen flavors
- ☐ Clove or spice
- ☐ Other flavor not listed here
- ☐ I don't know
- ☐ No flavors

57. **During the past month**, how did you get your tobacco products? Include vape products, cigarettes, cigars, and smokeless tobacco. You can choose more than one answer

- ☐ I have not used a tobacco product in the past month
- ☐ I bought them in a store such as a convenience store, supermarket, discount store, or gas station
- ☐ I bought them from a vape shop or vapor store
- ☐ I bought them from a smoking bar
- ☐ I bought them from another state
- ☐ I gave someone else money to buy them for me
- ☐ I got them from friend(s)/ I used a friend's
- ☐ I got them from a family member
- ☐ I got them online



66. **Have you ever had sexual contact with another person?** Sexual contact includes things such as kissing, touching, and sexual intercourse.

- ☐ Yes
- ☐ No
- ☐ I'm not sure

**The next question asks about sexual intercourse.** Sexual intercourse includes vaginal sex which is when a penis goes inside of a vagina, oral sex which is contact between the mouth and genitals, anal sex which is when a penis goes inside an anus (butt), and use of toys or props (vaginal or anal).

67. **Have you ever had sexual intercourse?**

- ☐ Yes
- ☐ No

68. **Have you ever sent or received sexual messages or nude or semi-nude pictures or videos electronically (by smartphone, computer, tablet, or other device)?**

- ☐ Yes
- ☐ No

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**Fw: survey**

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**From:** Lisa Chen <lchen@bpsk12.org>  
**Sent:** Monday, March 31, 2025 10:48 AM  
**To:** David Hanafin [REDACTED]  
**Cc:** conti@bpsk12.org <conti@bpsk12.org>; [REDACTED]  
**Subject:** [EXTERNAL] Re: survey

ATTENTION: This email originated from outside of the organization.

Do not open attachments or click on links unless you recognize the sender and know the content is safe.

Hi Mr. Hanafin and Ms. Hanafin:

Thank you for your response. Yes, I am looking into this matter and gathering all information regarding this matter and will get back to you.

Sincerely yours,

Lisa Chen  
Lisa C. Chen, Ph.D.  
Assistant Superintendent for Learning  
Burlington Public Schools  
123 Cambridge Street  
Burlington, MA 01803  
<https://twitter.com/BurlSchools>  
<https://www.facebook.com/profile.php?id=61555261697603>  
(W) 781 270-1802  
(C) 781 825-3286

On Fri, Mar 28, 2025 at 10:36 AM David Hanafin <[REDACTED]> wrote:

Hello-

I needed to reach out about the survey that was done in the middle school yesterday. My wife and I have been very clear about our position on issues in the schools regarding sex and gender issues. I do not feel as if it is even necessary to get into the specifics about the survey. Any responsible adult that reads these questions can clearly see why I have a problem with them. Asking an 11-year-old kid questions about anal or oral sex is disgusting. There is no benefit to this.

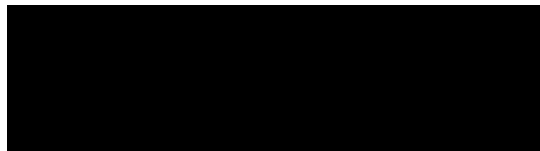
When we met last year, I reviewed with you my research into the CASEL model and the architects of these surveys. It is disturbing. I voiced then that I am tired of having my kids exposed to this stuff, then have someone look into and decide that there was some inappropriate content - then hear that it will be better scrubbed in the future.

I was assured that my kids were opted out of these exercises for good. I have kids in three different schools. Each school has been made very aware of where we stand. I was assured that our opt out is valid and will be respected. We have made sure that each of the schools is aware of this and did put it in writing. My high school kids made us aware of the survey and texted us when it was presented. We immediately responded that they are correct to inform teachers that they are opted out. The HS respected that. Our middle school son doesn't have a phone and was made to take the survey. He took screen shots to show me because he felt sick to his stomach and knew that I was going to be very upset. I was not aware that this would be put in front of kids that young.

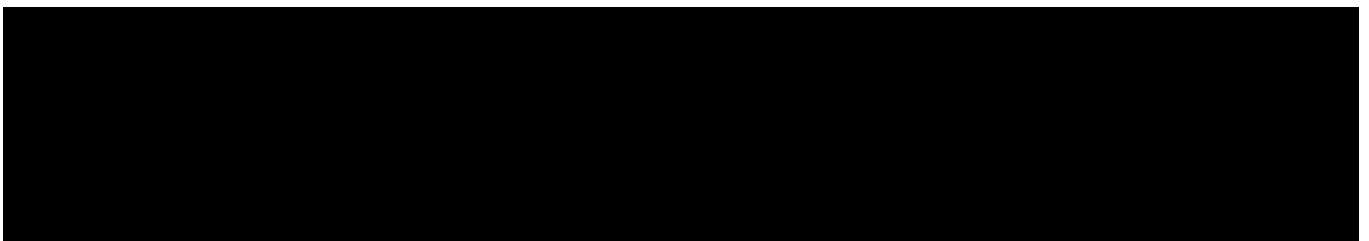
Why are you exposing him to this? I'd like to see any of you answer these questions in a public forum - I doubt you'd be comfortable. What is my recourse now? I would like an answer as to how this is going to be addressed. I will wait for your response.

Sincerely,

David G. Hanafin



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**Fw: meeting next week**

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[REDACTED]

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**From:** David Hanafin  
**Sent:** Friday, March 28, 2025 10:38 AM  
**To:** tmcMahon@bpsk12.org <tmcMahon@bpsk12.org>; tmcdonough@bpsk12.org <tmcdonough@bpsk12.org>; rconceison@bpsk12.org <rconceison@bpsk12.org>  
**Subject:** meeting next week

Hello -

I would like to get a few times that you will be available to meet next week so that I can discuss some concerns that I have.

Thank you,

David G. Hanafin

[REDACTED]

This message and any attachments contain information, which may be confidential and/or privileged, and is intended for use only by the intended recipient, any review; copying, distribution or use of this transmission is strictly prohibited. If you have received this transmission in error, please (i) notify the sender immediately and (ii) destroy all copies of this message. If you do not wish to receive marketing emails from this sender, please reply to this email with the word REMOVE in the subject line.

[REDACTED]



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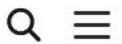
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Tickets \$35

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# Parents Call for Accountability After "Inappropriate" Survey Administered at School

At a contentious School Committee meeting, parents expressed outrage at explicit questions and demanded changes to opt-out procedures.



**Nicci Kadilak**

Apr 2, 2025 — 3 min read

Become a Member






Burlington parents voiced their anger at a recent school committee meeting over a controversial survey that was given to middle and high school students. They're calling the district's version of the Youth Risk Behavior Survey (YRBS) "inappropriate," saying it contained explicit sexual definitions presumptive questions.



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The YRBS, which consists of national survey questions as well as a state- and/or locally-specific survey, was established in 1991 as a way to monitor nationwide trends in risk behavior among youth. Burlington and surrounding districts felt the state-wide survey results were skewed by the larger metropolitan areas, said Superintendent Dr. Eric Conti, and the district along with the rest of the Middlesex League, worked with Lahey Health to develop a locally-specific biannual survey a few years ago.

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U.S. DEPARTMENT OF EDUCATION  
Protection of Pupil Rights Amendment (PPRA)

ATTACHMENT C

Parent/Student Complaint Form

SECTION 1: STUDENT INFORMATION

First Name: [REDACTED] Last Name: Simeone Student Date of Birth: [REDACTED]

SECTION 2: COMPLAINANT INFORMATION

Your relationship to the student whose education records are the subject of this complaint. (If an attorney or advocate, please note that SPPO will not discuss the complaint with you without the prior consent of the parent or eligible student who maintains the rights under PPRA.)

☒ Parent or Legal Guardian ☐ Self ☒ Other (ex. Attorney/advocate on behalf of the parent or eligible student)

Title: [REDACTED] First Name: Sam Last Name: Whiting

Street Address: PO Box 336 Phone Number: 774-462-7043

City: Wakefield State: MA Zip: 01880 Email: sam@malibertylegal.org

By listing an email address, you are giving SPPO permission to use the email address to contact you.

Name and title of the local education agency or school district superintendent:

Eric Conti

Name of local educational agency (i.e., school district):

Burlington Public Schools

Phone Number:

781- 270-1801

Mailing Address:

123 Cambridge St.

Dates Attended:

2023-Present

City: Burlington State: MA Zip Code: 01803 Date of Alleged Violation: 3/27/2025

SECTION 4: PPRA VIOLATION INFORMATION

Specifics of alleged PPRA violation:

[REDACTED] is an [REDACTED] grade student at Marshall Simonds Middle School in Burlington. [REDACTED]'s parents, Adrienne and John Simeone, opted [REDACTED] out of the "Youth Risk Behavior Survey" via the ParentSquare app on March 6. On March 27, 2025, [REDACTED] was nevertheless required to take a survey, which asked him questions about drug and alcohol use, sexual encounters, experiences with sexual violence, and sexual orientation and gender identity, among other sensitive topics.

If allegations concern a survey, provide the name of the survey, analysis or evaluation:

The 2025 Youth Risk Behavior Survey

Source of funding for survey, analysis, or evaluation (if known):

LEA, Lahey Health

Details of attempted resolution at local level:

Local School Officials Contacted	Dates	Results/Comments
Principal Tim McMahon	3/27/2025	Principal apologized but no action has been taken to prevent incident from happening again.
Burlington School Committee, Superintendent Conti	4/1/2025	No action has been taken to prevent incident from happening again.

Details of attempted resolution at State level (if State resolution procedure exists):

State Education Officials Contacted	Dates	Results/Comments

## SECTION 5: CORRESPONDENCE INFORMATION

Describe any correspondence, such as newspaper articles, website postings, email or letter exchanges, that substantiates the information specifically required in Section 4 above. You may also attach copies of those relevant documents that support your allegations. Please note that, due to computer security concerns we will not accept the submission of audio or video files, CD/DVDs, or thumb drives. Also, the submission of nonessential, voluminous, or nonresponsive information may, among other things, delay the processing of your complaint, and could result in the dismissal and return of your complaint.

- See attached survey screenshots
- See attached email from Adrienne Simeone to Principal McMahon.
- See attached article, "Parents Call for Accountability After 'Inappropriate' Survey Administered at School," Nicci Kadilak, Burlington Buzz, April 2, 2025
- See attached April 8, 2025 demand letter on behalf of parents sent to Burlington School Committee and superintendent
- See testimony of Adrienne Simeone at Burlington School Committee meeting on April 1, at timestamp 35:14-40:54, available at this link: <https://www.youtube.com/watch?v=mHY7ZIH2Vm0>

## SECTION 6: CERTIFICATION

/s/ Samuel J. Whiting, Esq.

**Complainant's Signature**

4/8/2025

**Date:**

*Privacy Act Statement.* The Department is authorized to solicit the information contained in this form by 20 U.S.C. 1232h. Your disclosure of the information requested on this Form is voluntary, but if you fail to provide any of the information, it may result in, among other things, your complaint being dismissed or returned to you for additional clarification. The principal purpose for which the information requested on this Form will be used is to resolve your complaint and determine whether the educational agency or institution violated PPRA. The Department has published the routine uses for which the information requested on this Form may be used in a system of records notice entitled "Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) Record Systems (18-05-02), which was last published in the Federal Register on June 4, 1999 (64 Fed. Reg. 30106, 30123-24). The routine uses include, but are not limited to, disclosing records to the educational agency or institution against which a complaint has been made or the State Educational Agency in that State. The Department may modify and update this system of records notice, in which case that update in addition to the Department's other systems of records notices may be found at: <https://www2.ed.gov/notices/ed-pia.html>. The effects of not providing any of the requested information on this Form may include, among other things, that your complaint is dismissed or returned to you for additional clarification.

*Paperwork Burden Notice.* According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number. The valid OMB control number for this information collection is 1875-XXXX. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Obligation to respond is voluntary. If you have questions on your individual submission of this form, write directly to: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520.

Reset Form

Print Form

Submit Form



The next question asks about your sexual orientation. This is who you are emotionally, romantically, or sexually attracted to. Your sexual orientation is not the same as your gender identity.

5. Which of the following **best describes your sexual orientation**? You may identify with more than one sexual orientation. Please pick the one that best describes you.

- ☐ Straight or heterosexual
- ☐ Lesbian or gay
- ☐ Asexual
- ☐ Bisexual
- ☐ Pansexual
- ☐ Queer
- ☐ I am not sure or questioning
- ☐ I do not know what this question means
- ☐ I prefer not to answer

6. **What is your race and/or ethnicity?** You can choose more than one answer.

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino

The next question asks about your gender identity. Gender identity is how you see yourself. You can see yourself as a male, female, a mix or both, or neither. It can be the same or different from the sex you were assigned at birth. Here are some helpful terms:

- "Cisgender" describes a person who feels their gender identity matches the sex that a doctor assigned them at birth.
- "Transgender" describes a person who feels their gender identity is different from the sex that a doctor assigned them at birth.
- "Nonbinary" describes people whose gender doesn't fit into just "male" or "female."
- "Genderqueer" describes people whose gender doesn't match traditional roles. Many genderqueer people use pronouns like "they/them."

3. Which of the following terms best describes your current gender identity? We understand that there are many different ways you may identify, please pick the one that best describes you.

- ☐ Cisgender girl or woman
- ☐ Cisgender boy or man
- ☐ Transgender girl or woman
- ☐ Transgender boy or man
- ☐ Nonbinary or genderqueer
- ☐ I am not sure or questioning
- ☐ I do not know what this question means
- ☐ I prefer not to answer

4. What sex were you assigned at birth, on your original birth certificate?

- ☐ Male

## Violence-Related Behaviors and Experiences

The next questions ask about sexual violence and dating violence.

26. **Has anyone ever done sexual things to you or forced you to do sexual things that you did not want to?** This includes things like pressuring you to take part in unwanted kissing, touching, or other types of sexual contact.

- ☐ Yes
- ☐ No
- ☐ I don't know

27. **Has someone you were dating or going out with ever done sexual things to you or forced you to do sexual things that you did not want to?** This includes things like pressuring you to take part in unwanted kissing, touching, or other types of sexual contact.

- ☐ I have never been on a date or gone out with someone
- ☐ Yes
- ☐ No

28. **Has someone you were dating or going out with physically hurt you?** This includes being hurt by being shoved, slapped, hit, kicked, or forced into sexual activity.

- ☐ I have never been on a date or gone out with someone
- ☐ Yes
- ☐ No

## Alcohol Use

The next questions ask about drinking alcohol. Alcohol includes beer, hard seltzers, wine, wine coolers, and liquor such as vodka, rum, whiskey, or tequila. For these questions, drinking alcohol does not include only drinking a few sips of wine for religious purposes.

50. How old were you when you had your first drink of alcohol (more than a few sips)?

- ☐ I have never had a drink of alcohol other than a few sips
- ☐ 8 years old or younger
- ☐ 9 years old
- ☐ 10 years old
- ☐ 11 years old
- ☐ 12 years old
- ☐ 13 years old or older

51. During the past month, did you ride in a car or other vehicle driven by someone who had been drinking alcohol?

- ☐ Yes
- ☐ No

Back

Next



56. **During the past month**, what flavors were your tobacco products? Include vape products, cigarettes, cigars, and smokeless tobacco. You can choose more than one answer.

- ☐ I have not used a tobacco product in the past month
- ☐ Fruit, alcohol, or candy flavors
- ☐ Mint, menthol, or wintergreen flavors
- ☐ Clove or spice
- ☐ Other flavor not listed here
- ☐ I don't know
- ☐ No flavors

57. **During the past month**, how did you get your tobacco products? Include vape products, cigarettes, cigars, and smokeless tobacco. You can choose more than one answer

- ☐ I have not used a tobacco product in the past month
- ☐ I bought them in a store such as a convenience store, supermarket, discount store, or gas station
- ☐ I bought them from a vape shop or vapor store
- ☐ I bought them from a smoking bar
- ☐ I bought them from another state
- ☐ I gave someone else money to buy them for me
- ☐ I got them from friend(s)/ I used a friend's
- ☐ I got them from a family member
- ☐ I got them online

66. **Have you ever had sexual contact with another person?** Sexual contact includes things such as kissing, touching, and sexual intercourse.

- ☐ Yes
- ☐ No
- ☐ I'm not sure

**The next question asks about sexual intercourse.** Sexual intercourse includes vaginal sex which is when a penis goes inside of a vagina, oral sex which is contact between the mouth and genitals, anal sex which is when a penis goes inside an anus (butt), and use of toys or props (vaginal or anal).

67. **Have you ever had sexual intercourse?**

- ☐ Yes
- ☐ No

68. **Have you ever sent or received sexual messages or nude or semi-nude pictures or videos electronically (by smartphone, computer, tablet, or other device)?**

- ☐ Yes
- ☐ No



---

**Fwd: Survey**

---




----- Forwarded message -----

From: **Timothy McMahon** <[tcmahon@bpsk12.org](mailto:tcmahon@bpsk12.org)>

Date: Fri, Mar 28, 2025 at 9:44 AM

Subject: Re: Survey

To: Adrienne S <

Good morning,

I am terribly sorry. This is unacceptable. I personally went through the list and you are absolutely correct that his name was noted as having opted out of this survey.

We are reexamining the opt out process and I'll be addressing my staff to ensure that everyone reads and acknowledges which students are actively on the opt out list.

All that said, if you'd like to discuss this further please let me know and I'll do my best to connect with you at a time that is convenient for you.

Thank you,

Tim McMahon

On Thu, Mar 27, 2025 at 9:55 PM Adrienne S < wrote:

Tim,

I opted my son out but he just told me that they had him take this survey.

**Youth Risk Behavior Survey Participation Form**  
Completed on Mar 7, 2025 at 6:31 PM  
For Student: [REDACTED] Simeone

## **Your Responses**

**Please click below to confirm your selection**

My child will NOT participate

## **ELECTRONIC SIGNATURE**

By clicking here, I hereby consent that all information provided on this form is accurate, and I am electronically signing to affirm this form is complete for submission to Burlington Public Schools.



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# Parents Call for Accountability After "Inappropriate" Survey Administered at School

At a contentious School Committee meeting, parents expressed outrage at explicit questions and demanded changes to opt-out procedures.



**Nicci Kadilak**

Apr 2, 2025 — 3 min read

Become a Member



Burlington parents voiced their anger at a recent school committee meeting over a controversial survey that was given to middle and high school students. They're calling the district's version of the Youth Risk Behavior Survey (YRBS) "inappropriate," saying it contained explicit sexual definitions presumptive questions.



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