



Written by [Michael Tennant](#) on May 31, 2013

## High School Teacher Disciplined for Reminding Students of Their Rights

An Illinois high school teacher was disciplined for giving his students a real-life lesson in how to apply a subject they had just studied: the Bill of Rights.

On April 18, Batavia High School in Batavia, Illinois, asked teachers to distribute a “social-emotional learning survey” to their students. “The survey is part of measuring how students meet the social-emotional learning standards set by the state,” reported the Arlington Heights [Daily Herald](#). “It is the first year Batavia has administered such a survey.”



As if it weren't bad enough that the school was delving into students' personal lives, the survey — each copy of which had a student's name printed on it — asked questions about students' drug and alcohol use. When social studies teacher John Dryden, who had just finished teaching a unit on the Bill of Rights, was given the surveys to hand out to his class, he began reading the questions and realized there was a problem: If a student admitted to using drugs or alcohol, he could be incriminating himself, something the Fifth Amendment was designed to prevent. This, he thought, was particularly important in light of the fact that there is a police officer stationed at the school.

Having no time to check with administrators — he'd picked up the surveys 10 minutes before his first class, and they were to be administered that day — Dryden told the *Herald* he “made a judgment call” to remind his first three classes of their constitutional rights. (The survey was completed during the third class period.) He said he would have discussed the matter with administrators had he received the surveys or been informed of their contents in advance and that he did raise the issue with them afterward.

“I advised my students that they had a Fifth Amendment right not to incriminate themselves,” Dryden told reporters prior to a May 28 school board meeting to review his actions. “It was not my intention for them not to take the survey.”

Dryden suspects another teacher informed the administration of what he had done when the students in that teacher's class balked at responding to the survey.

For reminding his students of their rights, Dryden was reprimanded by the Batavia school board. He received a “letter of remedy, which outlines certain actions he must do or face more consequences,” the [Herald](#) wrote following the board meeting. In addition, the 20-year veteran of Batavia High School “said he was docked a day's pay,” according to the [Kane County Chronicle](#).

This occurred despite an outpouring of support for Dryden from current and former students, parents, teachers, and other members of the community. Many took to Facebook, e-mail, and even an [online petition site](#) (the petition has over 8,800 signers as of this writing) to protest Dryden's treatment. The *Chronicle* reported that “dozens” also turned out to speak on his behalf at the board meeting. “Several”



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of them, said the *Herald*, told the board that “rather than being disciplined, Dryden should have been praised for reminding students they have the right to not incriminate themselves.”

“These kids need to know that the U.S. Constitution is there for them,” Batavia alderman Alan Wolff told the board.

Saying Dryden is an excellent instructor, “able to break through student apathy like no other teacher I know,” fellow Batavia High School teacher Scott Bayer informed the board, “Every teacher I talked to addressed students in the same way.”

“We as teachers were put in a situation where we were forced to react,” he explained. “Things were not communicated very well, students were apprehensive and had questions, and we couldn’t give answers.”

According to the *Herald*, “Several parents said they had not received notice from the district that they could choose to not have their child take the survey,” a notice that was sent by e-mail and required parents to notify the district by April 17 if they wanted their children excused from the survey.

“I was not made aware a survey was going to be issued to my son, and basically was not given any opportunity to protect his privacy rights,” Meg Humphrey, a biology teacher at the school and parent of one of its students, told the board. She also had privacy concerns because the company that sold the survey to the district is privy to students’ responses.

Emily Farrell, another parent, argued that the survey was “a complete invasion of personal information” that asked “very personal questions.”

None of this swayed the members of the school board — save one, Jon Gaspar, who voted not to reprimand Dryden but declined to elaborate on his reasons.

“The board will not support any employees giving students false impressions about those who come here every day” to work for their best interests, board president Cathy Dremel told reporters.

Likewise, Superintendent Jack Barshinger, in a [statement](#) issued following the board’s decision, said:

District teachers, social workers, guidance counselors, psychologists and others worked together for over a year to select a data-gathering instrument that could be used to determine what social or emotional issues our high school students are experiencing, and whether individual students could benefit from new or increased supportive intervention by our staff. These purposes were shared with our parents and our teachers.

The issue before the Board tonight was whether one employee has the right to mischaracterize the efforts of our teachers, counselors, social workers and others; and tell our students, in effect, that the adults are not here to help, but that they are trying to get you to “incriminate” yourselves.

However, as *Reason*’s [Jacob Sullum](#) observed:

Barshinger seems to think it is inconceivable that there could be anything wrong with the survey, since people with good intentions worked on it for “over a year.” Yet the survey forms that Dryden picked up from his mailbox 10 minutes before his first class on April 18 not only asked about illegal behavior; they had students’ names on them, thereby destroying any assurance of confidentiality. Even if the people who selected the survey were not *trying* to get students to incriminate themselves, that was the inevitable result if students who had broken the law by drinking or using illegal drugs answered the questions candidly. What guarantee did they have that their answers



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would not be used against them, if only to pressure them into accepting the “supportive intervention” deemed appropriate by the school? As Ronald Reagan was fond of saying, much damage can be caused by people from the government who are “here to help.”

In fact, school personnel did review students’ responses. (Otherwise, what would be the point of the survey?) “Those whose answers raised red flags were called in to the school’s student services workers, including social workers and counselors,” penned the *Herald*. Sullum’s — and Dryden’s — concerns are therefore well-founded.

One assumes the school district will be more open about the survey next year, if only to avoid another incident like this. Better still, the district should just scrap the whole thing and mind its own business.



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