

Approved: April 24, 1996  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 11:00 a.m. on March 21, 1996 in Room 526-S of the Capitol.

All members were present except: Senator Nancy Harrington  
Senator Anthony Hensley  
Senator Sherman Jones  
Senator Dave Kerr  
Senator Lana Oleen  
Senator Doug Walker

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Jennifer Bishop, Committee Secretary

Conferees appearing before the committee: Malia Boeving, Topeka AIDS Project  
Mark Tallman, KASB  
Sue Chase, KNEA  
Jim Yonally, Shawnee Mission Schools

Others attending: See attached list

Senator Emert made a motion to approve the minutes. Senator Langworthy seconded the motion. The motion carried.

**HB 2301: School districts relating to the provision of instruction on human sexuality and AIDS.**

Hearings continued on **HB 2301**.

Malia Boeving addressed the committee as an opponent of **HB 2301**. Ms. Boeving stated that she was not speaking in opposition to abstinence and that the concept of abstinence is an integral part of the material that she presents to any group. **HB 2301** proposes that students only be provided an education that does not allow for prevention of HIV and STD's outside of the context of marriage. The bill mandates that educators teach students that the only way to prevent HIV and STD's is to remain abstinent until one establishes a mutually faithful, monogamous marriage. The proposed legislation only serves to perpetuate a myth in our culture that persons infected with HIV somehow deserved what they got because they were engaged in immoral or irresponsible behavior. Contrary to what this bill suggests, there are people who choose not to enter into marriage, yet may have long term, monogamous relationships, and who are moral, responsible citizens not at risk for STD's (Attachment 1).

Mark Tallman addressed the committee as an opponent of **HB 2301**. He stated that KASB believes that the curriculum decisions for Kansas school districts should not be made by the State, whether the State Board of Education or the State Legislature. The voters of Kansas elect local school board members to make those decisions; school board members who are accountable to the local community and responsible for employing the administrators and teachers who will actually provide that instruction. KASB does not believe that instruction in human sexuality and AIDS should be treated any differently than the rest of the school's curriculum. Therefore, KASB opposes **HB 2301** (Attachment 2).

Sue Chase addressed the committee as an opponent of **HB 2301**. She state that the reason KNEA opposes the bill is because it sets a precedent for the development of curriculum by the legislature. Currently, no statute exists that sets curriculum. KNEA asked the committee not to define what curriculum is to be taught in the area of human sexuality and AIDS and to let the local boards set what curriculum they want as they have in the past (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 526-S Statehouse, at 11:00 a.m. on March 21, 1996.

Jim Yonally stated that there were a couple of issues that needed to be addressed. The words "teaching", "stressing", "advising" and "emphasize" all conflict with each other. The word "stressing" is more powerful than "teaching", "advising" is a lower standard than "teaching" and "emphasize" is a higher standard than "teaching." The bill needs to have more of a stable meaning on how the abstinence issue should be dealt with.

The meeting adjourned at 11:30 a.m.

The next meeting is scheduled for March 25, 1996.



Senator Lawrence, members of the Senate Education Committee. My name is Malia Boeving and I am the Education Coordinator for the Topeka AIDS Project. I am here today to speak in opposition to House Bill 2301 as it has been acted upon by the House of Representatives.

To begin, I would like to make it clear that I am not here to speak in opposition to abstinence as a mechanism for protecting oneself from sexually transmitted diseases, including HIV. My job provides me with the opportunity to work closely with adolescents, and the concept of abstinence is always an integral part of the material that I present to any group. To me, and many of the people I provide education to, it seems obvious that abstinence from sex for anyone of any age, whether married, single, or living with a partner, would be the most reliable way to avoid infection with a sexually transmitted disease.

The supporters of this Bill would have the public believe that the way sex education is currently taught somehow condones or promotes sexual activity amongst adolescents by seeking to provide them with a complete education regarding sexuality. **This is not the case.** My primary job is to provide comprehensive sex education that emphasizes the prevention of sexually transmitted diseases. The word "comprehensive" is critical to defining the type of education we strive to provide through the Topeka AIDS Project. Comprehension is defined as "to seize or take up with the mind, to understand, to comprise or include-it is the quality of power of comprehending much." Comprehensiveness stresses the fullness or completeness of a given object. It is the goal of all educators to provide students with a comprehensive education in many areas, including literature, math and science. It is my goal to provide young and old with the most comprehensive information available regarding HIV and AIDS, including disease progression, medical advances, and how one can avoid infection with HIV. The Bill you are considering today would make prevention education in Kansas schools non-comprehensive, an unfortunate trend in how we would educate students, as I am sure you would agree. Is it ever appropriate to educate students in a less comprehensive manner than what we are able to offer?

The Bill you are considering today proposes that we provide students an education that does not allow for prevention of HIV and STD's outside of the context of marriage. The bill mandates that educators teach students that the only way to prevent HIV and STD's is to remain abstinent until one establishes a mutually faithful, monogamous marriage. On the surface this sounds like good advice. But the inherent ignorance, bigotry and prejudice represented by this statement overwhelms me. Let me explain. To educate young persons that marriage somehow serves as a protective device against STD's is both illogical and dangerous. There is no evidence to suggest that marital

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status is predictive of one's HIV status. Further, marriage is not an inoculation against HIV and STD's. Many persons find themselves within the realm of a married relationship that they believe to be monogamous only to realize that their best instincts have been wrong and they are now infected with an STD, or worse. Certainly, whether one chooses to marry or not, it seems preposterous to deny them a complete education on sexuality, birth control, condoms and prevention of STD's.

The proposed legislation only serves to perpetuate a myth in our culture that persons infected with HIV somehow deserved what they got because they were engaged in immoral or irresponsible behavior. Contrary to what this Bill suggests, there are people who choose not to enter into marriage, yet may have long term, monogamous relationships, and who are moral, responsible citizens not at risk for STD's.

It is important to note that there is a trend in this country for young persons to wait longer before entering into a marital relationship, yet there is evidence to suggest that people are entering into the physiological and emotional process of puberty earlier than previous generations. I certainly agree that our best thinking would indicate that adolescents should remain abstinent until they are mature enough to make good choices, but what should the consequences be if they do not make that choice? This Bill would make the consequence for that choice the risk of infection with a disease that kills. This Bill mandates that educators ~~exclude~~ any mention of condoms and risk reduction practices that are proven effective in reducing the likelihood of disease transmission, both in and out of a marital context. How can a compassionate and just legislative body condemn people to ignorance and risk, just because they do not make the choice to abstain until marriage?

Further, and perhaps most importantly, even if marriage could serve to protect persons from HIV and STD's, it is not a viable option for a significant percentage of our population. This Bill fails to even acknowledge the population of gay, lesbian and bisexual students who do not have the legal right to marry. How would the proponents of this Bill suggest we educate them? Or do they prefer to pretend that there are no gay or lesbian students in our schools, and condemn these students to increased risks for HIV because of our fear of speaking openly to them about their options to remain disease free? Very often, gay and lesbian teens feel isolated from their peers and positive adult role models. It is imperative that prevention education is inclusive of, and sensitive to <sup>their</sup> the gender and sexual identity issues of all students. No education that is intended to change behavior is meaningful if the person for which it is intended cannot relate it to their own lives. This Bill makes gay and lesbian students invisible, and they have felt that way for too long. The

consequences for feeling that way result in increased risk for suicide, drug abuse, and infection with HIV. Those consequences should be intolerable in this society.

Thank you for your attention to this matter, and I welcome your questions and comments.



TO: Senate Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
(Also representing Schools for Quality Education and United School Administrators)  
DATE: March 19, 1996  
RE: **Testimony on H.B. 2301**

Madam Chair, Members of the Committee:

( KASB has appears today to repeat our belief that curriculum decisions - decisions about what is taught and how it is taught in Kansas public schools - should not be made by the State, whether the State Board of Education or the State Legislature. The voters of Kansas elect local school board members to make those decisions; school board members who are accountable to the local community and responsible for employing the administrators and teachers who will actually provide that instruction. We do not believe that instruction in human sexuality and AIDS should be treated any differently than the rest of a school's curriculum. We therefor oppose H.B. 2301. )

The State Board of Education's current human sexuality/AIDS mandate is less intrusive of local decisions because does not have any particular instructional requirements. It allows each school district to develop a curriculum that reflects the desires of each particular community. It does, however, require that districts allow parents to remove their children from human sexuality instruction if they wish. We believe that most local boards develop human sexuality curricula with extensive parents and community input. Most report that relatively few parents opt out of this instruction, which suggests that school district programs already reflect the parental attitudes.

When this bill has been discussed in previous hearings, there has been a great deal of compelling medical evidence about the need to reduce sexual activity among young people. There has been no evidence about the number of school district programs - if any - which do not already emphasize abstinence. We therefore have no idea whether or not this bill will have any impact at all. But we do know it sets a precedent for detailed legislative involvement in local curriculum decisions. On the other hand, the bill provides no means of enforcement. Who decides, for example, what materials are "age appropriate," which materials teach "the benefits and value of monogamous marriage," or what "strategies for dealing with pressure situations" should be taught? Apparently, local teachers, administrators and school boards, because nothing in the bill provides for any state oversight. If these are the people who are currently in charge of sex education programs, why do we need this bill?

We urge you to leave these sensitive decisions to the people of each local community.

Thank you for your consideration.

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ATTACHMENT 2



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony before  
Senate Education Committee  
Tuesday, March 19, 1996

Thank you Madam Chair and members of the committee for allowing me to speak in opposition to HB 2301. I am Susan Chase and I represent the Kansas National Education Association. We oppose HB 2301 because it sets a precedent for the development of curriculum by the legislature.

The legislature has spent numerous hours this year and in years past discussing the role of the state in the education of Kansas' children. In fact, just recently this body passed a bill that would open up the ability of school districts to operate outside the purview of the legislature. The message that has come across loud and clear is that decisions affecting local schools should be made by the local school district. While we believe that the legislature should set the parameters under which local boards function, KNEA has always supported curriculum decisions being made at the local level.

(Currently, no statute exists that sets curriculum. We ask that you not begin now by defining what curriculum is to be taught in the area of Human Sexuality and Aids. We urge you to not pass this bill out favorably.)

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