

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:05 A.M. on March 13, 2008 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Theresa Kiernan, Office of Revisor of Statutes
Dianne Rosell, Office of Revisor of Statutes
Dale Dennis, Kansas State Department of Education
Martha Dorsey, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Janet Henning, Committee Assistant

Conferees appearing before the committee:

Senator John Vratil
Senator Karin Brownlee
Phillip Cosby, National Coalition for the Protection of Children & Families
Kim Borchers, parent
Kathy Cook, Kansas Families for Education
Mark Tallman, Kansas Association of School Boards
Mark Desetti, Kansas National Education Association
Connie Owen, parent, Overland Park/Olathe
Written testimony - Tim and Janet Harmon
Written testimony - Jim Adler
Written testimony - Kevin Gilmore
Written testimony - Josh Anderson, 2007 Kansas Teacher of the Year
Written testimony - Katie Montgomery & teachers from Piper Teacher Association

SB 492: Teachers; licensure; disqualification for issuance or nonrenewal DUI offenses; conspiracy; out of state and federal offenses.

Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes, gave an overview and explanation of **SB 492** to Committee members.

Senator John Vratil spoke to Committee members in support of the original portion of **SB 492**. Senator Vratil explained to Committee members of legislature (**SB 35**) which was passed during the 2007 legislative session and which was intended to add strength to penalties for persons convicted of "driving under the influence". As a result of **SB 35**, an individual who receives one DUI at some point in their life cannot obtain a license to teach. **SB 492** would remove this restriction.

Committee members were advised by Senator Vratil that he opposed the amendment attached to **SB 492** and to carefully look at the consequences of the attachment. (Attachment 1)

Senator Karin Brownlee spoke to Committee members in support of the amendment attached to **SB 492**. Senator Brownlee advised the amendment relates to obscene material which could be used in K-12 classrooms. The intent of the amendment is to have a review of the material buy a body which would set the community standard for obscenity in that locale. (Attachment 2)

Written testimony from Tim and Janet Harmon was also presented to the Committee by Senator Brownlee. (Attachment 3)

Phillip Cosby, Executive Director, National Coalition for the Protection of Children and Families, spoke to Committee members in support of the amendment attached to **SB 492**. Mr. Cosby stated the bill does not seek to amend the promotion of obscenity to a minor statute. It provides for a review of potentially obscene materials at the local school board level and allows a measure of decency or "community standard" as allowed by the US Supreme Court 1973 "miller" decision which is echoed in the Kansas obscenity statute. (Attachment 4)

Kim Borchers, parent and former corporate business woman, appeared before Committee members in support of **SB 492** as amended. (Attachment 5)

Written testimony was received from James "Jim" Adler in support of **SB 492** as amended. (Attachment 6)

Written testimony was received from Kevin Gilmore in support of **SB 492** as amended. (Attachment 7)

Connie Owen, a parent, appeared before Committee members in opposition to **SB 492** as amended. Ms. Owen

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:05 A.M. on March 13, 2008 in Room 313-S of the Capitol.

told Committee members this bill would cause a serious chilling effect in our schools, restricting the depth and breadth of educational opportunities. (Attachment 8)

Kathy Cook, Executive Director, Kansas Families for Education, spoke to Committee members in opposition of **SB 492** as amended. Ms. Cook advised this legislation, as amended, would restrict the ability of educators using their professional judgment in selecting classroom materials. (Attachment 9)

Mark Tallman, Kansas Association of School Boards, spoke to Committee members in opposition of **SB 492** as amended. (Attachment 10)

Mark Desetti, Kansas National Education Association, spoke to Committee members in opposition of **SB 492** as amended. (Attachment 11)

Written testimony was received from Josh Anderson, 2007 Kansas Teacher of the Year, in opposition of **SB 492** as amended. (Attachment 12)

Written testimony was received from Katie Montgomery and teachers of Piper, USD #203, in opposition of **SB 492** as amended. (Attachment 13)

A question and answer session followed the presentations.

Chairman Aurand closed the hearing on **SB 492**.

SB 507: METS education innovation council; members; duties.

Chairman Aurand reminded the Committee of the motion made by Representative Horst on March 11, 2008 to pass out **SB 507**, favorably, with technical amendments, for passage. The motion was seconded by Representative Spalding. After a brief discussion by Committee members, Representative Mah moved to make a substitute motion to table SB 507. The motion was seconded by Representative Crow. The motion to table carried.

SB 404: Kansas academy of mathematics and science; admission of nonresidents; fees and tuition; attendance and qualified admissions, exceptions.

Written material entitled "Getting to College Early" was distributed to Committee members by Representative Spalding. (Attachment 14)

Chairman Aurand moved for an amendment to SB 404 which would be for the student who attends KAMS, the student's residential district should send not only the Base State Aid per Pupil attributable to that student to KAMS but all the weightings attributable to that student should go from the school district to KAMS as well. The motion was seconded by Representative Colloton. The motion passed with a show of hands: 9 - yes and 8 - no.

Representative Storm made a motion to clarify that the enrollment and at-risk weightings attributable to the student going to KAMS would be sent to KAMS along with the Base State Aid Per Pupil. The motion was seconded by Representative Colloton. The motion carried.

Because of time, the Chairman suspended the Committee's action on **SB 404** and stated this would be resumed at a later date.

The meeting was adjourned at 11:00 A.M. The next meeting is scheduled for March 18, 2008.

State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
LEGISLATIVE HOTLINE
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VICE CHAIR: EDUCATION
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INTERSTATE COOPERATION

Vice President Kansas Senate

Testimony Presented to
The House Education Committee
By Senator John Vratil
March 13, 2008
Concerning Senate Bill 492

Good morning. Thank you for the opportunity to appear before the House Education Committee in support of Senate Bill (SB) 492.

During the 2007 legislative session, we passed legislation (SB 35) which was intended to “add teeth” to penalties for persons convicted of “driving under the influence.” As occurs from time-to-time, that legislation had an unintended consequence. Senate Bill 35 added driving under the influence (DUI) to the list of crimes that cannot be expunged and inadvertently linked a first-time DUI to the teacher licensing statute (K.S.A. 72-1397) which prohibits the State Board of Education from “knowingly [issuing] a license to or [renewing] a license of any person who has been convicted of any offense or attempt to commit any offense specified in subsection (c) of K.S.A. 21-4619.”

As a result of SB 35, an individual who receives one DUI at some point in their life cannot obtain a license to teach. Senate Bill 492 would remove this restriction. I support this legislation, not because I do not consider “driving under the influence” to be a serious act, but because I recognize that one mistake should not, in every situation, define a person for the balance of their life. I have heard from at least one concerned parent that their daughter is pursuing a teaching degree and because of the unintended consequence created through SB 35, the young woman will not be able to obtain a license to teach. We have a teacher shortage in our state. We should consider the circumstance surrounding the mistake and how the individual responds to that mistake rather than dwell on the mistake itself.

I ask that you support SB 492.

A handwritten signature in black ink that reads "John Vratil". The signature is fluid and cursive.

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House Education Committee
Date 3-13-08
Attachment # 1

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SENATOR KARIN BROWNLEE
ASSISTANT MAJORITY LEADER

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House Education Committee

Testimony on SB 492

March 13, 2008

Chairman Aurand, thank you for the opportunity to speak on SB 492. My comments will focus on the amendment on p. 6, New Sec. 2, which I offered on the floor of the Senate. This amendment relates to obscene material which could be used in K-12 classrooms.

The intent of the amendment is to have a review of the material by a body which would set the community standard for obscenity in that locale. KSA 21-4301 sets the definition of obscenity.

(c) (1) Any material or performance is "obscene" if:

(A) The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest;

(B) the average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of (i) ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy, or (ii) masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; and

(C) taken as a whole, a reasonable person would find that the material or performance lacks serious literary, educational, artistic, political or scientific value.

The key issue here is that we are discussing material which could be defined as illegal obscenity. We are not talking about "offensive" material. There is a distinct difference. Parents need to take their own steps as it relates to offensive material. I think we as legislators have an interest in obscene material because of the impact it can have on our children (and adults).

I have brought the testimony of Tim & Janet Harmon from Overland Park, KS. Attached to their testimony are several excerpts from books which have been on the reading list for their local high school. These pages tell the story of the type of material we are discussing. For more excerpts, please go to www.classkc.org or www.pabbis.org.

My experience on two different committees has been very enlightening as to the impact our sexualized culture is having on our young people. All of the girls in our Beloit facility who have committed sex crimes have been victims themselves of some type of sexual abuse. Pornography plays a key role in desensitizing children to make them more vulnerable to abuse.

I hope you will sense the importance of the issue of a review of obscene material by a local school board. If you read the guest column in the KC Star yesterday, you might have been falsely led to believe that a DA would be selecting classroom material. Not so! It is the appropriate role of a school board to be involved in the curriculum. This provides a safeguard to the teachers and students.

House Education Committee

Date 3-13-08

Attachment # 2

Mr. and Mrs. Tim Harmon
10900 W. 164th Street
Overland Park, KS 66062

To: House Education Committee

From: Tim and Janet Harmon

Date: March 12, 2008

Re: SB492

Thank you for hearing our testimony regarding Senate Bill 492.

In 2003 our oldest son was a freshman in high school in Overland Park, Kansas. In his Honor's English class, his teacher assigned two novels which we as parents were shocked to find filled with vulgar language, violence, and sexually explicit situations. We soon discovered that, for the remainder of his high school years, he would be assigned many other novels that were filled with profanity, obscene sexual descriptions, graphic violence, and graphic sexual violence.

Before you are excerpts from two novels. One Hundred Years of Solitude and Snow Falling on Cedars both appear on the Advanced Placement English summer reading list in our school. Our second son could choose to read these or several other books on this list for grade. His teachers have deemed these two novels worthy and appropriate reading material for high school students. However, as you can see from the excerpts, these novels clearly violate community standards of decency. They are obscene. One high school English teacher has even called them x-rated. The contents of these two novels are greatly disturbing for adults. So why are we allowing teachers the freedom to present it to students? They should be held to the community standards of decency that every other citizen must follow.

A middle school teacher was recently charged for asking female students to give him pictures of themselves without clothes. But a high school teacher presenting obscene material for students to read, write about, and discuss, has no consequence whatsoever.

Our children simply must have the same protection from obscenity inside the school, as the law provides them outside the school. Shouldn't our schools be safe environments for students? They are not safe, if one single student reads a book like one of these two, and there are many others, because a teacher assigned or recommended that novel.

House Education Committee
Date: 3-13-08
Attachment # 3

Who would not want children protected from obscene material in school? School boards should decide if their teachers' curriculum adheres to community standards of decency.


In 2005, 800 concerned residents in our school district signed a petition asking for specific novels, which contained excessive profanity and graphic descriptions of violence and sex, which were assigned by teachers in the district, be replaced with challenging and enriching novels. The petition was given to the district superintendent. This issue is important to our community.

On the positive side, our oldest son was able to read alternate novels in high school. One year he chose the regular English class rather than Advanced Placement, to avoid asking for alternate novel assignments. Teachers had told us he would not be ready for college if he did not read the controversial novels. However, he became a National Merit Commended Scholar, and scored two points short of a perfect ACT score. He now studies Mechanical Engineering at Vanderbilt University. On his own he has read a multitude of classic books, the ones with a difficult reading level and challenging vocabulary, books that enrich the character.

All Kansas students should be offered higher level literature, rather than books with easy reading levels and x-rated content. All students should be protected from obscene materials in our schools.

Thank you.

Tim and Janet Harmon

	Citizens for Literary Standards in Schools						
	Home	Us	News	Books	FAQ	Links	Petition

One Hundred Years of Solitude

Garcia Marquez, Gabriel

Communication Arts AP IV

According to [pabbis, Parents Against Bad Books in Schools](#), the main themes of this book are **solitude and incest**.

[Communication Arts IV students at Blue Valley West](#) are encouraged to read this book in the Shakespeare/Classics/World Literature Unit.

This is also a 2005 summer reading assignment for 12th grade AP 4 Literature at Blue Valley Northwest.

Content includes a **tremendous amount of explicit sex and perversion** including: bestiality, cannibalism, homosexuality, incest, hookers, sexual bondage, and murder with an ice pick. Christianity and Catholicism are mocked and berated.

Language includes: fuck, shit, bitch, fucks up, whore

WHY WOULD ANY TEACHER EVEN SUGGEST THIS BOOK TO A MINOR?

Excerpts:

- "... his latest discovery: a zoological brothel. .. big white dog.. who would give stud services.. in order to be fed.. G. was in the room of the pensive mulatto girl.. smuggler boyfriend.. in prison.. border guards had caught him and made him sit on a chamberpot that filled up with a mixture of shit and diamonds."

- "A. ..picked her [his sister] up by the waist.. dropped her on her back on the bed.. brutal tug.. pulled off her bathrobe before she had time to resist.. he loomed over... newly washed nudity [she] defended herself.. tried to knee him...dropped her defense.. tried to recover... it was too late.. She.. put a gag between her teeth so that she would not let out the cat howls that were already tearing her insides [so as to not waken her sleeping husband]."

- "...[brother and sister] continued taking advantage of her husband's rare unguarded moments, making love with gagged ardor.. delirium of lovers who were making up for lost time. It was a mad passion... her songs of agony would break out the same at 2 in the afternoon on the dining-room table as at 2 in the morning in the pantry... closed the windows and doors so as not to waste time getting undressed.. would roll around naked in the mud of the courtyard.. almost drowned as they made love in the cistern... would give themselves over to the worship of their bodies.. rub [her] erect breasts with egg whites or smooth her elastic thighs and.. stomach with cocoa butter, she would play with [his] portentous creature as if it were a doll and would paint clown's eyes on it with lipstick.. give it .. mustache.. put on.. bow ties and little tinfoil hats.. from head to toe with.. jam and licked each other like dogs and made mad love on the floor of the porch.."

"Fearing her.. husband would rape her while she slept, [she] would put on.. drawers... reinforced with.. leather straps... closed.. by a thick iron buckle... they would wrestle for several hours in an anguished violence that seemed to be a substitute for the act of love... rumor spread [she] was still a virgin a year after her marriage because her husband was impotent."

- "...he was the first man that she had seen naked after her husband, and he was so well equipped for life that he seemed abnormal... relieved her newlywed terror."

- "... the man who had raped her at 14 and had continued to love her until... 22.."

3-3

- "Dog shit."

- "...she did everything she wanted with him as long as it did not bother him, making an effort to love him without hurting him... I want to be alone with you...tell everybody and we can stop all of this sneaking around... I can holler as much as I want... and you can whisper in my ear any crap you can think of."

- "...[he] spotted.. a very young gypsy girl, almost a child.. made his way through the crowd.. stopped behind her... pressed against her back.. girl tried to separate.. [he] pressed more strongly.. she felt him.. remained motionless against him, trembling with surprise and fear, unable to believe the evidence.. turned.. looked at him with a smile.. They did not witness the decapitation. They went to her tent.. kissed.. with a desperate anxiety while they toke off their cloths.. incipient breasts and legs so thin.. [he] could not respond to her because they were in kind of a public tent.. During a pause in the caresses [he] stretched out naked on the bed.. while the girl tried to inspire him... [another couple came in] and they both began to undress in front of the bed.. [his] companion asked the [the new couple] to leave them alone, and the couple lay down on the ground, close to the bed. [Their] passion woke up [his] fervor. On the first contact the bones of the girl seemed to become disjointed with a disorderly crunch.. her skin broke out into a.. sweat and her eyes filled with tears... But she bore the impact with a firmness of character and a bravery.. his heart burst forth with an outpouring of tender obscenities that entered the girl through her ears..."

- "...alternated with her bites and spitting [vilest obscenities].. she added whipping to the treatment.. whether it was the rhubarb or the beatings that had effect... began to show signs of recovery."

- "...selling the.. mugs of fermented cane juice, and he took advantage of the occasion to go over to the men, and put his hand on them where he should not have."

- "It only costs 20 cents... The adolescent mulatto girl, with her small bitch's teats, was naked on the bed. Before A., 63 men had passed through the room that night.. girl took off the soaked sheet.. heavy as a piece of canvas.. He knew the mechanics of love, but... girl.. told him to get undressed.. he gave her a confused explanation.. [she said] 20 cents more when you go out, you can stay a little longer.. A. got undressed, tormented by shame.. idea that his nakedness could not stand comparison with.. his brother. In spite of the girl's efforts he felt more indifferent and.. alone... Her back was raw... her grandmother carried her from town to town putting her to bed for 20 cents to make up the value of the.. house [she had accidentally burned down].. girl's calculations, she still had 10 years of 70 men per night.. [the next] dawn.. he made.. decision to marry her in order to free her... and to enjoy all the nights of satisfaction that she would give to the 70 men."

- "You don't have to worry... The man's a fairy."

- "I've come to sleep with you [he said]. His cloths were smeared with blood and vomit.. She took him to the bed... took off his clothes,.. then got completely undressed and lowered.. netting so that her children would not see."

- "... no one paid any attention to [priest]. ..many years without priest.. arranging the business of their souls directly with God... they had lost the evil of original sin. [priest] improvised an altar in the square... open-air mass.. Now we shall witness.. power of God.. [drank] cup of.. chocolate... rose 6 inches above.. ground... went.. for several days repeating the demonstration of levitation by means of chocolate while.. collected so much money... began construction of the church."

- "...[she] reached puberty before getting over the habits of childhood.. showed them her panties, smeared with a chocolate colored paste. A month for the wedding was agreed on.. barely enough time to teach her how to wash herself, get dressed by herself...made her urinate over hot bricks to cure her of the habit of wetting her bed.. was so confused and... amazed at the revelation [of the marital secret] that she wanted to talk to everybody about the details of the wedding night."

- "...his monumental size provoked a panic of curiosity among the women.. To the women who were.. coveting him he put the question as to who would pay the most... raffling himself off.. 5 more pesos from each one.. and I'll share myself with them both. He made his living that way.. women who went to bed with him that night.. brought him naked into the dance salon.. had been shipwrecked... feeding on the body of a comrade who had succumbed to sunstroke and whose extremely salty flesh as it cooked in

3-4

the sun had a sweet granular taste.. would eat 1/2 a suckling pig for lunch and whose flatulence withered the flowers... bestial belching.. looked at [his sisters] body with shameless attention and said.. You're a woman, little sister. [she] lost all control of herself.. was so impressed by his enormous.. nakedness that she felt an impulse to retreat.. Come here he said... stroked her ankles.. calves.. thighs.. Oh, little sister, little sister.. cyclonic power lifted her up by the waist and despoiled her.. with 3 slashes of its claws and quartered her like a little bird... the inconceivable pleasure of that unbearable pain, splashing... hammock absorbed the blood like a blotter. Three days later they were married... she's your sister. I don't care... It's against nature... fuck nature two times over.. scandalous honeymoon.... cries that woke up the whole district as many as eight times in a single night and three times during siesta."

- "A. grabbed her by the wrist and tried to pull her into the hammock... would like to make you happy... I can't.. Don't play the saint.. everyone knows you're a whore... The children will find out.. leave the bar off the door tonight... waited for her that night.. stretched out his hand and found another hand... not the woman he was waiting for.. inflated blind breasts with nipples like a man's, a sex as stony and round as a nut.. was a virgin.. paid.. to do what she was doing... Later on when the.. troops dislodged them from the place where they had made love, they did it among the cans of lard and sacks of corn.."

- "They don't want to go to bed with a man they know is going to die."

- "A person fucks up so much.."

- "...felt a strange trembling at the site of the splendid breasts with their brown nipples... kept on examining her [his aunt].. he would be a palliative for her solitude.. Later they not only slept together, naked.. but they would also chase each other... shut themselves up in bedrooms at any hour of the day in a permanent state of unrelieved excitement... almost discovered.. had gone too far.. she cut it off with one stroke. He was seeking consolation for his abrupt solitude... with women who smelled of dead flowers.. and changed into [his aunt] by... his imagination"

- "...[his aunt] heard him come into the bedroom... felt him slip under the netting... he was completely naked.. Go away or I'll scream.. battles began again and would go on till dawn... I'm your aunt [she] murmured, spent... found her in the dark bedrooms of captured towns.. in the smell of dried blood on the bandages of the wounded... in the .. terror of the danger of death... Can a person marry his own aunt? He can not only do that... but we're fighting this war against the priests so that a person can marry his own mother."

- "You're a brute, A. would tell him.. You can't do that to a poor aunt unless you have a special dispensation from the Pope... any children will be born with the tail of a pig.. I don't care if they're born as armadillos... found a woman with flaccid breasts, affectionate and cheap, who calmed his stomach for some time."

- "...more than 400 men had filed past.. and discharged their revolvers into.. body of Cpt. A.R... body, which was heavy with lead and fell apart like a water-soaked loaf of bread."

- "...did not know about the custom of sending virgins to the bedrooms of soldiers in the same way that hens are turned loose with fine roosters... 9 more sons of Colonel A. were brought to the house."

- "...her breasts succumbed to the tedium of endless caressing.. in [her] house.. the girls from the neighborhood would receive their casual lovers... I'm happy knowing that people are happy in bed.. never charged for the service... just as she never refused the countless men who sought her out... without giving her money or love and only occasionally pleasure."

- "How strange men are... spend their lives fighting against priests and then give prayerbooks as gifts."

- "At night or siesta time he would call one of his women to his hammock and obtain a rudimentary satisfaction from her,..."

- "...priest.. would.. say years later that the devil had probably had won his rebellion against God, and that he was the one who sat on the heavenly throne..."

3-5

- "...priest asked him if he had done bad things with women... was upset with the question as to whether he had done them with animals... There are some corrupt Christians who do their business with female donkeys. ..on the following Tuesday, P. came down out of the tower with a wooden stool which until then, no one had known the use of, and he took [him] to a nearby pasture..."
- "...A. S. realized that the woman had been going to bed alternately with him and his brother, thinking they were the same man... For almost two months he shared the woman with his brother."
- "...were a frivolous couple.. going to bed every night, even on forbidden days, and frolicking there until dawn."
- "...ordinary woman, rather lazy in bed, and completely lacking any resources in lovemaking."
- "...to die with her, on top of her and underneath her, during a night of feverish license."
- "F. carried a.. calendar.. her spiritual adviser had marked.. the dates of venereal abstinence. Not counting Holy Week, Sundays, holy days of obligation, first Fridays, retreats, sacrifices... her effective year was reduced to 42 days... F. was wearing a .. nightgown that reached down to her ankles... with a large, round buttonhole.. at the level of her lower stomach... That's the most obscene thing I've ever seen...he shouted with a laugh.. I married a Sister of Charity."
- "...she received him in bed. He had been married scarcely two months, but she realized at once things were not going well in the nuptial bed, and she had the pleasure of vengeance fulfilled."
- "...brought in trainload of strange whores, Babylonish woman skilled in old-age methods and in possession of all manner of unguents and devices to stimulate the unaroused... to satiate the voracious.."
- "...scandalous behavior of couples who hung their hammocks.. made love.. in broad daylight and in view of everyone."
- "...child accidentally bumped into a [policeman] and spilled the drink on his uniform, the barbarian cut him to pieces with his machete, and with one stroke he cut off the head of the grandfather as he tried to stop him... town saw the decapitated man pass by as the group of men carried him to his house, with a woman dragging the head along by its hair, and the bloody sack with the pieces of the child... A.C. was found.. with an icepick between his eyebrows driven up to the handle.. woman who was with him said later that A.A. jumped out of bed and opened the door and was greeted with the discharge of a Mauser that split his head open."
- "...shitting on everything at once.."
- "...when P. had not loved him for himself but because she had him mixed up with his twin and as she slept with both.. at the same time she thought God had given her the good fortune of having a man who could make love like two. The restored passion was so pressing.. would look each other in the eyes as they were getting ready to eat and without saying anything they would cover their plates and go into the bedroom dying of hunger and of love."
- "...naked, with matted hair, and an impressive sex organ that was like a turkey's wattles, as if he were not a human child but the encyclopedia definition of a cannibal."
- "...people... say that he was only good for filling up the town with French whores."
- "...made him sign.. while he was naked with the woman who had helped entrap him."
- "...she did not shit shit but shat sweet basil.."
- "...before she had completed her Pentecostal fast he had gone off... to loaf in adultery with a wretch.. to see her behind.. to see her wiggle her mare's behind... with [her] he could not perform.. the acrobatics and trampish antics that he did with the other one, who.. was ready for anything.. at least [some] had the honesty to put a red light at their door.."
- "...they would lay [the old woman] on the altar to see if she was any larger than the Christ child.. they hid her in the pantry where the rats could have eaten her. One Palm Sunday they... carried [her] out by the neck and ankles."

3-6

- "If you do anything bad U. would tell him the saints will let me know... terror-filled nights of his childhood... pleasure of being powdered between the legs with a silk puff would release him from the terror."
- "...armed with an ecclesiastical cat-o-nine-tails that he kept...along with a hair-shirt and other instruments of mortification and penance.. drove the children out of the house, howling like a madman and whipping without mercy.."
- "...his qualities as a good lover compensated for the [age] difference... that man.. with the leash round his neck... they both gave in to the reciprocal drive in the least adequate of places and wherever the spirit moved them... with passion.. time.. deepened and enriched.. not only a fierce lover,.. but.. first man.. who had made an emergency landing and had come close to killing himself and his sweetheart simply to make love in a field...."
- "One night 30 feet from his bed.. [a] couple ended up making love in a pool of muriatic acid.. clutching in his fist the [money] he had asked A. for.. not.. because he needed it.. [but] to involve her, debase her, prostitute her in his adventure. N. took him to her room.. to her.. cot with the bedding stained from bad loves, and to her body... without a soul.. found a man whose.. power demanded.. seismic readjustment from her insides. They became lovers.. at siesta time he would go to the bedroom where N... [taught] him how to do it like earthworms, then like snails and finally like crabs... between loves they would eat naked in the bed.. A. confided in her about his repressed passion for his sister.. After that N. continued to receive him with the same warmth as ever but she made him pay for her services.."
- "Even the timid little whores who came from the neighborhood.. they took [their dresses] off with the same innocence with which they had put them on... as soon as they got their [money] they would spend it on a roll with cheese that the proprietress sold them... proprietress would enter during the best moments of love and make.. comments about the intimate charms of the protagonists.. one night.. he got undressed in the small reception room and ran through the house balancing a bottle of beer on his inconceivable maleness."
- "Shit.. Who would have thought that we really would end up living like cannibals!"

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3-7

my lap turning cold.. walked out.. held [magazine] in front of me.. saying.. This is a dream.. bastards. they could have just tiptoed out.... the smell.. drips coming off the edge of the chair onto the carpet.. great wet patch spreading over the front of my trousers.. All [T].. wants to talk about is me being a bastard.. hitting her, hitting him. ..we've both lost our relationships, we've both lost our children. We've both been addicted"

- T has new girlfriend. He sees G every few months because of their baby. Still takes 5 mls of methadone every day. His girlfriend knows. He keeps slipping up and doing heroin. But just a few times... He doesn't tell G or his new girlfriend that he still uses.

- *In Fairfax County Public School Middle and High School Library System*

"Snow falling on cedars"

Guterson, David
Vintage Books
Paperback, 460 pages
Copyright 1995

- "Fuck you anyhow...."

- "... noted the girth and heft of (CH's) sexual organs.....his testicles were taut and hairless.... And his penis, at least as twice as large as (his) own, even frozen..."

- "Jesus Christ. Jesus Christ"

- "... predicted white men would..... seek to destroy her virginity...white men carried a secret lust for pure young Japanese girls..... They were dangerous egomaniacs.... Stay away from white men, ..."

- "She thought of him while.....kissed the undersides of her breasts, and then her nipples....soon, she would feel another boy's hardness deep inside of her"

"She put her hand around (his) hardness, and squeezed it, and it pulsed once in her hand.... The head of his penis found the place it wanted....entered her so that she felt his scrotum slap against her skin."

- "...her breasts were beginning to show beneath her bathing suit. They were small and hard..."

- "He wonderedif his voyeurism constituted a disease."

- Lots of use of word "Jap"

- "...his chest twitched...and blood ran from his mouth and down his cheeks...The smell of breakfast soon rose from the German boy's bowels."

- "...pressed back, her hips leaving the moss, her legs open beneath her skirt. He felt her breasts

and grazed the waistband of her underwear...”

- “Sometimes....he...would take himself in his hand....He would think about (her) while he touched himself”

- “...kiss and touch...pressed against him...moved his hands...slowly up her thighs and over her underpants..and pulled her hand against him...felt how hard he was and pressed back into his hardness...could feel the hard length of him..arched her breasts...moved his tongue against her nipples...both hands felt his hardness...hand inside her panties...peeling them down...pulling his pants to his knees...he pushed..inside of her, all the way in, his hardness filling her.....”

- Vivid descriptions of vomiting and excrement in Japanese internment camp

- “..cried when her hymen broke..”

- Lots of vulgar language especially in chapters on war. Fucking this and fucking that.

- “Holy shit...Goddamn it to hell, the motherfuckers, goddamn those assholes, the fucking shitheads, goddamn it...”

- Vivid bloody descriptions of war wounds/death

- “...cowards who ought to have your balls chewed off real slow and painful like.....cornhole-fuckersjackoff artists with half-inch hard ons...once a year when you can get your sorry dicks to stand at half mast...”

- “that fucking goddamn Jap bitch”

- “Jesus fucking Christ” (numerous)

- “..he moved his lips..down..between her breasts.....She pushed back against him with the muscles of her pelvis,...”

- “....did not want to be foremost a pair of breasts, but She was proud of herself.”

- “...moved from position to position, trying everything,...when she was close to coming she retreated...so her excitement became more desperate...She often came this way...press on toward a second coming that the pastor at ... Church could neither approve...”

- “behind her he massaged.... Her buttocks...he lifted her skirt and slid her underpants out of the way...she shut her eyes and rocked.”

- “Their marriage had largely been about sex.....She washed his large penis and felt it harden in her fingers....his face against her breasts...licking them.”

- “ ...he could no longer achieve an erection....it would wither in his hand before he had a chance to take pleasure from it.”

- “Occasionally he attempted unsuccessfully to masturbate...”

3-9

- "...how the invasion of his penis had brought a truth with it she would discover in no other way.....He had not come..."

- "Once every two weeks or so he masturbated into the folds of his handkerchief, .."

Excerpts from Staff and wire reports

Posted: Sept. 9, 1999

BOERNE -- A decision to ban an award-winning book from classes in Boerne schools led officials Thursday to create a board to review all outside reading assigned by the district's English teachers

"The board will have the final say to make sure texts are in keeping with our curriculum standards," said Mary Alice Smallbone, assistant principal at Boerne High School, where a teacher was formally reprimanded Thursday for assigning seniors to read the novel "Snow Falling on Cedars."

The school district banned "Snow Falling on Cedars" from classes and removed it from a school library last week because administrators say it contains graphic violence, racial bigotry and honeymoon sex.

Boerne schools Superintendent John Kelly called parts of the book "highly offensive" and said he ordered it removed from the library and barred from classes.

- *One of the ten most challenged books of 1999; challenged for sexual content and offensive language.*

- *On the Fairfax County Public Schools Summer 2000 Suggested Reading List For Rising Eleventh and Twelfth Graders*

"Song of Solomon"

Morrison, Toni
Penguin Books
Paperback, Approx. 350 pages
Copyright 1977

- From introduction extract of review by the Village Voice: "...One closes the book warmed by the richness of its sympathy, and by its breathtaking feel for the nature of sexual sorrow."

- "...before her husband.. came home.. she called her son to her... unbuttoned her blouse and smiled.. too young to be dazzled by her nipples.. old enough to be bored by the flat taste of mother's milk.. came reluctantly as to a chore.. tried to pull the milk from her chest.. without hurting her with his teeth... pleasure she hated to give up.." She is observed in this. "...terror.. sprang.. to [her] eyes... realization she was about to lose.. half of what made her.. life bearable... jumped up as quickly as she could and covered her breast.. confirming for him that these afternoons were strange and wrong.." Janitor says:" knew a family-the mother wasn't to quick.. nursed.. till the boy.. was 13.. bit much, ain't it?.. gave a long low chuckle.. A milkman.. A natural milkman.. Look out womens. Here he come."

Lords of Discipline -- written at a 6th grade reading level

Conroy, Pat

This book purportedly describes life in a fictional military academy, similar to The Citadel in South Carolina. The student requirements include endless marching, battle drills, memorizing of useless information, dress codes, bedroom checks, humiliation/hazing by upperclassmen, etc. Some may argue that this is a "true picture of life in the military." But is it necessary for our minor children to be asked to read and study this crude content in order to understand *one man's idea* about military school?

The story contains a subplot about a secret society of students and faculty whose job it is to protect the purity and strength of the student body by getting rid of those who don't meet their standards (for example, the Academy's first black student). Another subplot deals with a pregnant girl who has sex with one student (Will) while carrying another student's (Tradd) baby.

Tradd, an unpopular boy, betrays his roommates which introduces a series of disasters: one student dies, one leaves the Academy just before graduation, and one gets his diploma through blackmail. By the end of the book, Tradd, now alone and without a friend, is miserable. Will does experience some personal growth by the last page, but the "end does not justify the means" and the vulgarity of the passages below speak for themselves.

Conroy states (in *My Losing Season*): **"My books are all disfigured by the sullen presence of my child-beating father, Don Conroy, and this one is no exception. I can remember hating him when I was a two-year-old boy and first came to consciousness when my mother tried to stab him with a butcher knife and he backhanded her to the floor, laughing, a scene I observed from my high chair."**

Parents, please be aware that Conroy's books contain a great deal of vulgarity and profane language. However, Blue Valley Communication Arts teachers love this author. Not only do they assign *Lords of Discipline*, but they ask our kids to read three other Conroy books in various classes. Conroy's other Blue Valley textbooks are *My Losing Season*, *The Great Santini*, and *The Water is Wide*.

Some of the language includes motherfucker/fucker/fuck/fuckstick, pussy, cunt, douchebag, poontang, slut, suck my dick, shit, piss, asswipe, bastard.

According to a Blue Valley West [CA IV](#) syllabus, this book is "a huge student favorite."

Excerpts:

- I leaned down and grabbed my ankles. Pig...kissed my ass reverently, deliciously, moaning with exaggerated pleasure, as though he were a leading man kissing a lovely woman...Then he bit my ass and purred licentiously...
- God's a blind nigger.
- I'm gonna kill you, jock. I'm gonna eat your ass for breakfast, lunch and dinner...make your life one long fucking nightmare, douchebag...beg me to open up the gate so you can run home to your slut mother...what do you say to that, pussy?
- Do you want to suck my dick, boy? ...Shit, dumbhead, everyone knows English majors love to suck and blow on dicks...what's my name, douchebag?...The punch came from behind me...a perfect blow to the kidney. I staggered forward..."Not here Newman, you stupid bastard...wait until you get him to his room..."
- You stupid asshole...you poor dumb fucker...
- I would like to see every single one of you abortions...run home to your mother's skirts.
- Do you see the hand of God coming down from heaven to help you, scumbags?...Because there's nothing to see, maggot-shits...I'm a fucking maniac...I'd pump this room full of DDT and let all of you die like the roach turds you really are...gives me kind of a warm feeling all over when I

3-11

think about sticking my swagger stick up your fucking asses and have it come out all slick with your blood and intestines...God has ceased to exist for any of you. He doesn't care a fucking thing for...you. He's dead for you all...I am your God and you will obey my commandments or I'll jack it up your filthy asses...here is what your new...God thinks of your old Bible. He...plunged the sword into the Bible with a deep, savage thrust, then lifted the skewered book aloft...had been soaked in lighter fluid...lit a match...

- Does your mother fuck, douchebag? Your mother should have stuck a coat hanger up her cunt to kill a maggot like you. Repeat after me...you are an abortion. I'm an abortion, sir! I screamed. A maggot. I'm a maggot sir! A douchebag. I am a douchebag sir! A used Kotex. I am a used Kotex sir. You are shit. I am shit sir! The shit that comes from a woman when she's on the rag. I am the shit that comes from a woman when she's on the rag! A pubic hair on a nigger. I am a pubic hair on a nigger, sir! Do you love this place, fuckstick?...shit maggot...pussy...vagina face...asswipe.
- They tied (Rodney) naked to his rack...his frail body struggled against the ropes. Fox had bought a thousand crickets...emptied the crickets over (him). They gagged him so his screams would not attract (attention).
- Urine poured out of (Bentley's) pants, made a pool between his legs. We could hear the piss running on the cement. Fox and Newman kept screaming, Piss, piss, piss, piss, you fucking pussy...The sound they heard was the sound of the other 37 freshmen pissing in their own pants, in affirmation of our allegiance to Bentley...It was the grandest piss I would ever piss in my life, the prince of pisses...forced us to lie face down in our own urine...rubbed our noses in it, made us roll in it, soak it into our uniforms, rub it into our hair and faces...then all of us were vomiting...37 boys who rolled in piss and vomit...
- What is vomit, douchebag? You better know it, fuckstick...or I'm going to beat the shit out of you.
- What would a plebe not eat, McLean? Sir, a plebe would not eat a hemorrhoid out of the asshole of a naval admiral, a wart off the pecker of an army general, the first sergeant's mother...
- I'm farting like a motherfucking bastard. Theresa, you flapping twat. So I'm fucking going out the fucking door to the fucking shit house to shit my fucking brains out.
- When they say she's pretty, what they're really saying is that they'd like to fuck her. They're looking at her picture thinking what she looks like without clothes and then they think about spreading her legs and...I'd love to stick a big, hot, hairy banana in that sweet piece of Italian poontang. I'd love to play hide the sausage with that hot madonna.
- (At a strip club)...mother-daughter team...bodies glistened as they moved and swayed in graceless ecstasies...removed their G-strings...saw the mother snatch a cigarette out of a cadet's mouth, stick the filter end deep inside her...then replace it between the startled cadet's lips.
- Wet beavers, Pig sighed happily as the two strippers parted their legs and began moving toward the mob in short, limbo-like hops. This fair is so low-class that strippers show you wet beavers...The mother announced to the crowd, She came out of my pussy naked...a new stripper for the show...
- I'm sorry I'm pregnant, Will...We began to touch each other...Her tongue found my ear. My finger entered her. I kissed her breasts and began licking her nipples with my tongue. I entered her and came almost at once...I grew hard again, went into her again...began to rock together, and moan together...her heels on the back of my thighs...then the fire...my spilling out inside her...I wanted to shout, I am not a virgin! I am not a virgin!

The following statements are a portion of a review written by a Blue Valley Communication Art teacher. To read these reviews, ask for the documentation in your school library.

"*Lords of Discipline* is written with great understanding about the passage of youth into manhood and to this date relates better to that subject matter than any book I have experienced. Conroy's style of writing hooks the reader and his vocabulary is extensive and intelligent."

Song of Solomon - written at a 5th grade reading level

Morrison, Toni

AP Communication Arts III

The novel begins and ends with suicide. The main character, Macon Dead, nicknamed, "Milkman," is the youngest child and only son of a failing marriage. He learns his family history from his father, mother, and aunt, which leads him on a search for gold. His friend, Guitar, needs gold to fund his band of assassins who get revenge on a white person each time a black person is killed. Guitar follows Milkman to Virginia, where Milkman discovers his great grandfather's name, Solomon.

The novel contains an **enormous amount** of profanity, sexually explicit discussions, vulgarity, violence (murder), and racial slurs. In addition, the plot is disingenuous and the characters are far-fetched. The overall tone of the book promotes a depressing, animalistic view of the nature of man.

Types of sex include:

- Breast feeding a boy (not a baby, not a toddler) for pleasure
- sex with dead people
- oral sex
- discussions of sexual relations between a daughter and father
- descriptions of foreplay and undressing
- teen sex at 16 with multiple partners
- fantasies of sex between a mother and her son
- sex with whores
- sex between cousins
- anal sex
- oral sex between men
- sex using objects forced into each other
- discussions of sex with various animals and plants

We feel so sorry for the kids that this book is forced on. They are led to believe that...

1) this is how all adults conduct their sex lives and/or

2) this is how real black people conduct their lives and/or

3) all this is considered normal in society, because it has been assigned by an adult of power, who our kids have been taught from the beginning is to be trusted, respected and obeyed -- **their teacher**.

In addition Blue Valley states on official documentation that this book is "necessary for success on the (English AP) test". This is not true! [Click here](#) to read more about why this type of book would NEVER be "necessary" for success on an AP English test!

Morrison's other novels used as Blue Valley textbooks *Beloved* and *The Bluest Eye*. *Beloved* is a district-wide approved textbook for Blue Valley AP IV classes, and *The Bluest Eye* has been promoted as recommended reading.

Another Review: "I found that, in general, Toni Morrison's books fit the genre that is promoted by Oprah Winfrey through her very popular Book Club. The Wall Street Journal (Crossen, Cynthia, "Read Them and Weep: Misery, pain, catastrophe, despair ... and that's just the first chapter," 13 July 2001) describes this world. "What kind of world is it where the men lie, cheat and kill, the women are suicidal alcoholics and adulterers, and the children are unloved, abused and kidnapped?" Of course, it is Oprah's World."

EXCERPTS:

• How Milkman gets his nickname: "It was one of [Ruth's] two secret indulgences...pleasure it gave her...his legs dangling almost to the floor..before her husband.. came home.. she called her son to her... unbuttoned her blouse... too young to be dazzled by her nipples.. old enough to be bored by

3-13

the flat taste of mother's milk.. came reluctantly as to a chore.. tried to pull the milk from her chest.. without hurting her with his teeth... pleasure she hated to give up.." She is observed in this. "...terror.. sprang.. to [her] eyes... realization she was about to lose.. half of what made her.. life bearable... jumped up...covered her breast.. dropping her son on the floor...confirming for him that these afternoons were strange and wrong.." Janitor says:" knew a family--the mother wasn't too quick.. nursed.. till the boy.. was 13.. bit much, ain't it?.. gave a long low chuckle.. A milkman.. A natural milkman.. Look out womens. Here he come."

- Father telling Milkman about his grandfather (Ruth's father): "...was biggest Negro in this city.. he sniffed ether.. Negroes in this town worshiped him. He didn't give a damn about them, though. Called them cannibals.. delivered both your sisters... nothing nastier than a father delivering his own daughter's baby... She had her legs wide open and he was there.. was a man before he was a doctor. ..he took sick.. he died... In the bed. That's where she was when I opened the door. Laying next to him. Naked.. kissing him. Him dead and white and puffy.. she had his fingers in her mouth.. I had a terrible time after that.. thinking all sorts of things. If [your sisters] were my children. I come to know pretty quick they were.. that bastard couldn't fuck nothing. Ether took care of whatever he had in that area...But there's lots of things a man can do to please a woman, even if he can't fuck..

- "[Ruth] was in that bed sucking [her father's] fingers, and if she do that when he was dead, what'd she do when she was alive? Nothing to do but kill a woman like that.. regret she talked me out of killing her... Was it true.. had his mother made it with her own father?... Goddam. What the fuck did he tell me all that shit for?... Strange motherfuckers.. whole family was a bunch of crazies... what did he let you marry his daughter for? So he could screw her without the neighbors knowing it?... If he had given you [that money].. he could have had her all he liked., right?... could have come in your bed.. 3 of you could have had a ball. He'd get one tit and you'd get.. picture developing, of 2 men in.. bed with his mother, each nibbling on a breast.."

- "Each eye of her corset he toyed with.. top of her bodice he unlaced.. teasing her and him with the sounds of the snaps.. never spoke during these undressings.. as when children play 'doctor' undressing of course was the best part. When Ruth was naked and lying there.. unlace(d) her shoes.. entered her and ejaculated quickly. She liked it that way. So did he..."

- "...a nigger in business is a terrible thing to see."

- Suicidal drunk on roof with shotgun yelling to crowd below: " I want to fuck! Send me up somebody to fuck!.. or.. [I'll] blow my brains out!.. [crowd yells] kill yourself first and then we'll send you somebody. Do it have to be a woman?... Do it got to be human?... Do it got to be alive?... Can it be a piece of liver?...Put that [gun] down and throw me my goddam money!.. Float those dollars down here, nigger, then blow yourself up!.. better not miss...cause.. I'm gonna shoot your balls up in your throat.. get the hell outta that window...pulled out his penis and in a high arc peed over the heads of the women, making them scream and run...What in the fuckin world am I gonna dooooo?... Come down outta there, nigger!" "And you, you baby-dicked baboon--you need killin"

- (About the birth of Macon's sister): "(Macon) was there and he saw the eyes of the midwife as his mother's legs collapsed (and she dies)...baby...inched its way headfirst out of a still, silent, and indifferent cave of flesh, dragging her own cord and her own afterbirth behind her."

- "General Lee [a pig] was all right by me.. Even his balls were tasty... White people...kill a nigger and comb their hair at the same time."

- "He ain't old enough to have wet dreams...fucking it up... What goddam children?...Let's get us some weed."

- "...was 22 then.. been fucking for 6 years, some of the time with the same woman, he'd begun to see his mother in a new light."

- "My mother nursed me when I was old enough to talk, stand up, and wear knickers.. if she did that to me when there was no reason for it... maybe she did other things with her father.. his mother had been portrayed.. as an obscene child playing dirty games with whatever male was near--be it her father or her son."

- "What the fuck.. kid is stomped.. some cracker put it in the paper.. stomped.. Cause he whistled at

3-14

some Scarlett O'Hara cunt. ..Tell that nigger something.. ought to be enough colored blood on the streets. ..Spill the crackers blood that bashed his face in.... out of your fuckin mind? They'll catch' em.. give 'em a big party and a medal."

• "...daddy got his balls busted off... Shit... Whores worked her bar in safety... cruisers found chickens or hawks—whichever they preferred, even jailbait... How the fuck.. Cut the shit... fuckin radiator... shit... talking shit... who cares if he fucks a white girl?... fuck.. Niggers... No shit? No shit.... Like a fuckin sheep."

• ..Pilate whipped her right arm around his neck and positioned the knife at his... heart... man felt the knife point.. jabbed it skillfully,.. through his shirt into the skin.. holding his neck.. could feel the blood making his shirt sticky.. if I stick it in any deeper, it'll go straight through your heart...

• "[His cousin Hagar] was [Milkman's] own [private honey pot...[She said]: Watch the lump grow in the little boy's pants. ..jumped up to grab her, but she ran into the bedroom...ease with which he had gotten and stayed between her legs... annoyance at her refusal to make him hustle for it, work for it,.. didn't even have to pay for it.... no excitement.. She was the 3rd beer.. the one you drink because it's there.. because what difference does it make?... it was she who called him into the bedroom and stood there smiling.. unbuttoning her blouse. Then he saw her breasts."

• (Hagar, pining for Milkman after he breaks up with her): "She toyed, sometimes, with her unsucked breasts..."

• "The knife struck his collarbone and angled off to his shoulder.. began to bleed.. Hagar. raised the knife again.. [Macon said] keep your hands that way.. bring them down straight, straight and fast.. drive that knife right smack in your cunt. Why don't you do that?... your problems will be over. He patted her cheek.."

• "...freaky shit, freaky fucked-up world... bullshit lecture.. fuckin bullshit lecture.. some secret shit... spend 50% of your brainpower thinking about a piece of ass. You got that red-headed bitch and.. Southside bitch... Fuck... nigger heaven..."

• "...witch's tit.." "...getting high... Pussy and..parties...Jesus...Oh, Christ."

• "fuckin leaves.. give a shit.. shit.. nigger.. nigger.. nigger.. Shit.. fuckin glaciers ice your ass.. nigger.. move your ass.. bitch.."

• (Milkman's mother Ruth): "...I was 20 years old when your father stopped sleeping in bed with me.." (She tells about putting an aphrodisiac in his father's food): "Macon came to me for four days...came out of his few days of sexual hypnosis in a rage.. later.. discovered her pregnancy, tried to get her to abort.. made her drink [castor oil].. soapy enema.. knitting needle (...she inserted only the tip, squatting in the bathroom...).. punched her in the stomach.. [Pilate said] 'don't take no more mess off [him] and don't ram another thing up in your womb.."

• "...married a white girl in France.. lived with her for 6 years.. came home to find her with another man. Another black man. ..his white wife not only loved him, not only this other black man, but the whole race.."

• "...keeping her father alive even past the point where he wanted to be alive, past pain and on into disgust and horror at having to smell himself.. lingering in absolute hatred of this woman who would not grant him peace.."

• "...wouldn't give a pile of swan shit.."

• "...then the preacher started pattin on me.. didn't know enough to stop him.. his wife caught him at it, thumbnin my breasts, and put me out."

• "...although men fucked armless women, one-legged women, hunchbacks and blind women,.. midgets, small children, convicts, boys, sheep, dogs, goats,.. each other, and even certain species of plants, they were terrified of fucking her.... became limp even.."

• "...she paid close attention to her mentor--the [dead] father who appeared before her sometimes and told her things.." "After we buried him..we both seen him. I see him still. He's helpful to me, real

3-15

helpful. Tells me things I need to know.

- "...After Reba grew up and began to live from one orgasm to another, taking time out to produce one child.."

- (About a secret society of black men who kill white people): "...was killed after his balls were cut off.. You're going to kill people? Not people. White people...it's got to be done to keep the ratio the same.. no innocent white people.. every one.. potential nigger-killer, if not an actual one.. Hitler's the most natural white man in the world.. killed Jews and Gypsies because he didn't have us... But people who lynch and slice off people's balls-they're crazy,.. how come Negroes, the craziest, most ignorant people.. don't get that crazy.. White people are unnatural.. as a race they are unnatural...The disease they have is in their blood, in.. their chromosomes.."

- "...when a cracker kills a Negro.. don't give a shit what white people know or even think...none of that shit... Shit"

- "Goddamn!... raggedy-ass.. Son of a bitch.. nobody can fly with that shit.. Faggot... White faggot."

- "...best news I've had since pussy... some shit... Fuck you." - "...gonna-fuck-you-up.." - "...nigger.. Jesus God.."

- "...motherfuckin life.." "...nigger.." "...yellowed-eyed nigger.." "...nigger.. bitch.. bitch.. shit.. crazy shit.. Nigger bitch.." "Fucks up your mind.. fucks it up.."

- "...[threw] him out of the.. party because he had peed in the kitchen sink.. stayed.. from light buzz to stoned, for 2 days and a night.."

- "dreams...of the witch who chased him.. would wake with a scream and an erection. Now he had only the erection."

- "Watching their women and rubbing his fly.. Pussy different up North?.. Pussy the same everywhere. Smell like the ocean; taste like the sea... Maybe the pricks is different.. Wee little.. Wee. wee little... That true?.. wouldn't know.. never spent much time smacking my lips over another man's dick... What about his asshole? Ever smack your lips over that?.. little young nigger made me mad and I had to jam a Coke bottle up his ass... use a bottle..? Your cock wouldn't fill it? It did. After I took the.. bottle out. Filled his mouth too. Prefer mouth, do you? If it's big.. and ugly.. belongs to an ignorant motherfucker who is about to get the living shit whipped out of him. The knife glittered.. motherfucker.. did the best he could with a broken bottle.. stick that cocksucker.."

- "White women want us tame, except in bed. They like a little racial loincloth in the bed."

- "...toothless motherfucker.. Fuck 'em.. nigger.. black Neanderthals.. Fuck 'em.. meanest unhung niggers in the world."

- "Son of a fuckin bitch!" "...this here nigger was the problem.. country niggers.." "...nigger.."

- "... when the lovemaking came, he decide he would crawl.. He gave her 50 dollars.. She said please come back."

- "...now it seemed to him that sexual deprivation would affect her... it would affect and hurt him.. may walk and live among women, you may even lust after them, but you will not make love for 20 years.. suppose he were married and his wife refused him.."

- "...he had the power to drive a woman out of her mind.. because he had fucked her, and she was driven wild by the absence of his magnificent joint. His hog's gut.. Even the last time, he used her."

- "Fuck 'em." "...son of a bitch.. motherfucker.. fuckin.. tribe of niggers.. shit!.. black ass.."

- "...fuckin... Oh, shit... What the fuck.. you jive-ass. What the fuck... you are fuckin with our work!"

3-16

Further information about *Song of Solomon* can be found at Parents Against Bad Books in Schools, www.pabbis.com.

The following statement is a portion of a review written by a Blue Valley Communication Arts teacher. To read these reviews, ask for the documentation in your school library.

"Toni Morrison's 1977 novel not only involves her usual sophisticated poetic style, but features an elaborate use of African American folklore."

Later, in an on-line rationale, the Blue Valley teachers wrote this: "Morrison's use of poetic language and advanced dialogue places *Song of Solomon* in a category for higher-level readers and evaluators of literature." and "This book is necessary for success on the (English AP) test." This is not true!

From a professional review by the Village Voice: "...One closes the book warmed by the richness of its sympathy, and by its breathtaking feel for the nature of sexual sorrow."

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3-17

NATIONAL COALITION FOR THE PROTECTION OF CHILDREN & FAMILIES

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TESTIMONY OF PHILLIP COSBY BEFORE THE KANSAS HOUSE EDUCATION COMMITTEE SB 492 March 13th, 2008

Chairman Aurand and honorable members of the House Education Committee, my name is Phillip Cosby. I am a native of Kansas and currently the Executive Director for the Kansas City office of the National Coalition for the Protection of Children and Families. I am honored to have the privilege to speak to you in support of a portion of SB 492 Pg. 6 lines 20-32. This portion calls for review of potentially obscene materials by local school boards before introduction into a local classroom.

These past four years I have spoken to thousands of Kansans concerning the deleterious and addictive effects of highly sexualized messages within our culture. I assist in implementing protective measures that communities and parents can put in place to protect children and the general citizenry. Those measures are as broad as zoning of sexually oriented businesses within communities and as detailed as internet filtering software on the home computer.

Today I speak in support of a process that would allow a local community to pause, measure and if they so choose apply protective remedies as it applies to sexualized and potentially obscene educational materials. I speak to you not so much today as a professional but as a father and a grandfather who has had the unpleasant experience of attempting to negotiate the laborious patchwork of school policies and procedures to evaluate content of literature.

My journey began when my 9th grade daughter asked me to rehearse with her a literature assignment given to her that required some memorization. Upon looking at the piece I discovered that there were multiple vulgarities and descriptions of sexual encounters that would not be appropriate in any family or business setting let alone in school. The offending words were lined through and replaced with less distasteful phrases. I asked my daughter who it was that lined through and replaced these words, to which she replied that she had done so herself.

To make a long story short I invested the time and energy to run the gauntlet of many months of forms, meetings with teachers, department heads, principals, committees, superintendent and school board staff resulting in very little, if any change. What I considered parental involvement became intonations of being overly prudish, practicing censorship, violating the 1st amendment, advocating book burning and a general disdain for my concerns by polite but eventually dismissive professionals. Opting out of a class, an assignment or the system altogether eventually became our only practical recourse and in the end proved overly burdensome to our family and especially my daughter.

The Federal government has mechanisms for policing indecency on the public airwaves and violations can be easily reported to the FCC and FTC. We have recently witnessed a renewed vigor in FCC and FTC indecency enforcement and fines. The music industry, television, movies, video games and videos all have rating systems that restrict entertainment choices available to minors. When all other institutions have gone the extra mile to voluntarily or by regulation evaluate sexually explicit content why has the Kansas education system maintained a policy that places the burden on the individual parent? If our water system were contaminated by some toxin would it be good public policy to simply instruct each home to place a filter on their faucet?

Today's parents and culture in general are overwhelmed. Now we are inundated with new mobile technologies that eclipse the printed page. As wonderful as technology is in its application it is equally fearsome in its ability to quickly dispatch innocence. Our general cultural desensitization makes it difficult to remember what a blush looks or feels like.

In Kansas, like most states citizens are subject to a law that prohibits "Promotion of Obscenity to a Minor" K.S.A. 21-4301 and 21-4301c. Kansas is one of a few states that for all practical purposes exempts educators from this law. The very steward of a major portion of our children's educational and character development is not accountable in any practical way.

This bill does not seek to amend the promotion of obscenity to a minor statute. It provides for a review of potentially obscene materials at the local school board level and allows a measure of decency or "community standard" as allowed by the US Supreme Court 1973 "Miller" decision which is echoed in the Kansas obscenity statute. The US Supreme court upholds that obscenity, like libel, perjury and slander is illegal. Obscenity does not enjoy the protection of 1st amendment free speech. But the court also recognized that our nation is too large and diverse to implement a "cookie cutter" definition of what is obscene. Each community within our nation will have a different subjective "community standard." For example a largely Mennonite community may have a different "community standard" than say downtown Kansas City.

The evidence of harm is not anecdotal; the lawful regulation of the pornography industry is based on real negative effects on communities and has been constitutionally upheld for thirty years. For good reason promotion of obscenity to a minor is still a crime. One judge recently commented "it is not just the solid evidence of negative effects, it is common sense."

We all sense it. Every day the news reports the latest story of abductions, molestations, human trafficking, solicitations, fantasy driven rape and murder. Even by trusted professionals that once were assumed to be above reproach. Our sense of decency, safety and innocence is evaporating. When I was in grade school I could play freely with my friends on any Saturday in my neighborhood and beyond. My parents did not have to be unduly fraught with concerns for my personal safety. Those days of experiencing such freedom and safety have long since gone for today's children. Outside of organized and supervised sports where are those groups of playful youngsters today?

Obscenity law defines sexualized materials as potentially "prurient" in nature. Prurient is defined as "having or intended to arouse an unwholesome interest in sexual matters." Public policy is behind the curve in responding to the cause and effect of highly addictive sexualized materials

which directly corresponds to a growing health crisis and criminal activity. In Kansas one third of the inmates are incarcerated for sexual crimes. As a matter of KDOC policy and common sense inmates are not provided with sexualized materials. This week the Center for Disease Control reported that 25% of teen girls are now infected with a sexually transmitted disease. Obscenity is a growing public safety and health concern not only for the adult population but especially for our impressionable youth.

Some would contend that such a review by the local school board would be “chilling” to academic freedom and although adults are at risk, today we are not talking about adults, we are talking about educating minor children. Although in one sense “chilling” might be the appropriate phrase. While the vast majority of educators are committed professionals, there is also a well documented persistent problem with sexual misconduct in schools. The education of minors should not be some open laboratory experimenting with the edges of right and wrong behavior. It is the place where the very best of what our culture has to offer is put forth, is first tasted and character development is paramount.

Last week I walked into a city hall building in the Kansas City area. The first thing I saw alongside the city seal, chiseled deep into the marble, inlaid with gold, with each letter standing a foot tall were these words:

**“THE GREATNESS OF A CITY DEPENDS NOT ALONE
UPON BOUNDARIES OR MULTITUDE OF INHABITANTS
BUT UPON THE PROBITY AND INDUSTRY OF ITS CITIZENS.”**

I must have asked ten city employees in that building what the word “probity” meant. Even after seeing that word every day, not one person in city hall could tell me the meaning of the word or explore the relationship between “probity and industry”.

**“Probity”: complete and confirmed integrity; having strong moral principles;
Synonyms: Goodness, Decency, Honesty, Integrity, Honor, Virtue, Godliness, Saintliness,
Absolute moral correctness, Moral integrity**

“Prurient” and “Probity” are perhaps two words and concepts that have fallen from use in everyday language... but how is that working for us?

Please support local school board review. Partner with each parent and community so that they are not alone in character development. Local school boards should take leadership of and share the load in this critical concern, the area the law calls “community standard”. The school board is a basic element of our political and educational system where local culture meets good public policy. For the children’s sake, promote a higher community standard, now more than ever!

Phillip Cosby
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National Coalition for the Protection of Children and Families
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Overland Park, Kansas 66213

House Education Committee
SB492
Kim Borchers

Chairman Aurand and fellow members of the committee, my name is Kim Borchers. I am a mother of three and a former corporate business woman. I am here in support of SB492 Pg. 6 lines 20-32.

Let me start by giving you a brief background on my interest of the topic at hand. My involvement on the issue of "obscenity" getting in the hands of children began back in early 2001. It was brought to my attention by a patron of our local Shawnee County library that children 13 years of age or older were permitted to check out Playboy magazine. As a taxpayer, I was a bit shocked that my tax dollars were purchasing this magazine, but even more aghast at the fact our local library board permitted minors to access it. Many folks in our community once informed of the facts were equally outraged and were astounded to find that the local adult bookstore was held to a higher standard than the local library. Because of the irresponsible action of our local board, legislation was pursued to address the "affirmative defense" protection afforded to libraries. It was quite apparent that many on both sides of the aisle felt that the library was taking advantage of their "affirmative defense" protection and permitting policies that most reasonable Kansans would find to be unacceptable. Due to political pressure from the legislature, we were successful in changing our local policy. But how many children were harmed in the process and for how many years?

I know our discussion today is regarding schools, but I share this story because I believe there are some parallels. The first being that the folks who are ultimately accountable to the public should be very aware of "obscenity" used in the classroom. If I were a board member, I would like to know in advance of "obscenity" being referenced in a classroom by staff vs. a group of irate parents on the end of a telephone or email. When such material is brought to the attention of boards proactively they can get a better feel from the educator as to their reasoning's for providing the material in question and create a game plan on how to make sure that parents are informed in advance of the controversial material. This would clearly display a willingness on the part of the school district to partner with parents. Isn't that what we want? It also permits an extra set of eyes that may make recommendations on optional materials that could still reach the desired educational goal. These local boards are on the front lines and need not be blind-sided. Oversight is key to any successful endeavor and this legislation does just that. Secondly, it is quite apparent that without oversight poor decisions are occurring not only in libraries, but also in classrooms. Who pays the price? Our kids.

I quite honestly find this bill to be rather benign. In my corporate days, there were many layers of oversight in place to insure protection for the company, employees and the customer. I never felt that this oversight undermined my decision making role as a manager neither did it stifle my creativity nor my ability to do my job. When in doubt, teachers should error on the side of caution. In this instance, I find it important to stress that the material being referenced in this bill is not *Catcher in the Rye* nor is it *A Brave New World*. We are talking about material that defined under Kansas Statute 21-4301 and 21-4301c. if disseminated to a minor we would hold other citizens in the state liable. I also find it comical to hear the phrase "chilling effect" will occur in the classroom should this pass. When did oversight ever cause a "chilling effect" of anything. The real question is what benefit does "obscenity" have on our children. What we have learned in the past 25+ years is that obscenity has a devastating effect on children. The

House Education Committee
Date 3-13-08
Attachment # 5

societal impact is catastrophic and costly. My husband, a primary care physician, on a daily basis sees the adverse effects that are occurring in our community because of the casual manner in which we approach sexual activity. I know that children have multiple places to access such material but shouldn't we use more discretion with such impressionable minds in the classroom.

In closing, I have worked on issues like this for years in my community. I have heard every argument, but no one can give me one ounce of evidence that shows that exposing kids to obscenity and sexually graphic material will make them a better citizen for the future. Unfortunately, all the data shows otherwise. What a sad testament to us as adults to believe and support that the only way our children can grow up healthy and enjoy literature is to read that which is vulgar and obscene. All this bill requires is that when such material in question is brought into the classroom that another set of eyes has approved it. Those eyes being that of the local school board who are accountable to the public. This legislation protects teachers, the district and most importantly the children. I would encourage you to support SB492 as amended.

Comments re: HB 492

March 13, 2008

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I am sorry I could not be in Topeka to speak with the committee directly but I had a previous commitment. I strongly urge this committee to enact legislation that mandates some form of constitutional screening and informed parental consent with respect to the literature that is shown to students and made available to them. My experience in 2001 in challenging materials given to my then 14 year old son at Blue Valley North High School in Overland Park, Kansas left my wife and I shocked, to say the least.

Without my wife's or my knowledge or consent our 14 year old son was given the play *Equus* to read. Briefly, *Equus* deals with bestiality (a teenager's strong sexual passion and desire for a horse), condones this passion, contains the use of the f- word on several occasions, has anti religious overtones and contains nudity and sex between unwed teens. When I expressed concern many at the school seemed upset at what they perceived to be our desire for censorship. *Equus* was also chosen as the school production for that year. While we never saw the production and presumably it was toned down, it drew attention to a play such as this and may have encouraged students to read it.

While I could see no reason to chose such a play out of the hundreds available and did not feel high school students should read such a play, we knew it was not our place to impose our values on others. We simply did not want others to impose their values upon us.

For several months, we fought for and eventually obtained from the District a parental notification and consent policy. It was an uphill battle the entire way. We were criticized in the local newspaper by a columnist and a student. We were flabbergasted that the faculty we dealt with and the administration seemed to feel this play was fine and in fact good for high school students. We heard faculty members express the view that they felt students would be at a competitive disadvantage if they were not allowed to read *Equus*. The same seemed to be similar to the views of the School Board since we received virtually no contact or support from them.

That same year at Blue Valley North High School we also saw a mini production of the play *Identity Crisis*. This plays deals with consensual incest between a mother and her son and makes light of teenage suicide. Why would such a play be chosen?

It is my view, based on this experience, the Blue Valley School District was incapable of policing itself as what it viewed as inappropriate was far different from my view (and I would imagine the view of many others in the community). Thus it seems that some sort of legislative involvement is desperately needed.

Please feel free to contact me by phone or letter should you have any questions or need additional information.

Kevin P. Gilmore

12541 S. Hagan Lane
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March 12, 2008

Education Committee
Kansas House of Representatives
Topeka, Kansas

Re: In support of SB492, as amended.

Dear Committee Members:

I'm writing today to express my support for SB492, as it has been amended by the Committee of the Whole of the Kansas Senate.

As an advocate for local control of our schools, I'm writing to specifically support the provisions of the new Section 2, which prohibits the use of obscene material in schools without the consent of the local school board.

I am communicating my support of SB492 in my role as a private citizen of our great state; however, I wish to provide you with some of my background and experience as someone who has dealt with state and local education issues for many years.

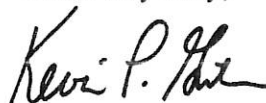
I have served as an elected member of the Kansas State Board of Education (1994-99) and as Chairman of the Board (1997-99).

I was elected to the Olathe Board of Education in 2003 and am currently serving in the first year of my second term. I have served the Olathe Board as Vice President (2005-06) and am presently serving in my second consecutive term as President.

A strong public school system requires adequate funding provision by our Legislature; however, beyond the financial considerations it also requires the support of informed and involved parents and local patrons. I believe the provisions of SB492 will serve to further enhance the support of our public schools through the primary control of our locally-elected school boards when it comes to what may be controversial issues associated with obscene materials in our schools.

Thank you for your time in reading of my support of SB492.

Yours very truly,



Kevin P. Gilmore

Cc: Sen. Karin Brownlee

House Education Committee

Date 3-13-08

Attachment # 7

Testimony to the House Education Committee
March 13, 2008
In Opposition to SB 492

Chairman Aurand and members of the committee, thank you for the opportunity to speak to you today regarding Senate Bill 492, specifically Section 2 of that bill. My name is Connie Owen. I am a parent of two children in the Olathe School District. I also appear on behalf of many other parents and community members from my area, who asked that I represent them because they could not be here today. I have attached a list of their names. At the time of this writing, there were nearly 50. So, instead of seeing just me, please try to envision a crowd of people before you today.

We applaud all efforts by you and your colleagues to ease the current teacher shortage. We have no quarrel with the bill in its original form.

We do oppose the notion of subjecting teachers, principals and other educational professionals, to personal criminal prosecution for alleged obscenity based on the complaint of a single person. There is no need for this provision. Current law and school district procedures already protect students from the use of inappropriate material at school.

This section defeats the very purpose of the bill to which it was attached. Unless I am mistaken, the original purpose of SB 492 was to ease our critical teacher shortage. Section 2, however, disrespects teaching professionals and encourages teacher harassment. Who would want to subject themselves to possibly being charged with a crime and suffer the indignity and personal expense of having to defend themselves against a charge of promoting obscenity, simply because one individual took offense at the use of standard classroom materials? This scenario would hardly attract people to the teaching profession.

This bill will cause a serious chilling effect in our schools, restricting the depth and breadth of educational opportunities. The standard for curriculum selection would no longer be what is educationally appropriate, but what is least likely to offend somebody. This is not in the best interests of our children.

The Olathe School District's motto is "Children Prepared for Their Future." This means teaching children how to think critically, explore ideas, expand their potentials, and find creative solutions to problems at all levels. Their future must not be jeopardized or limited because some member of the community is offended by language in a John Steinbeck classic or Picasso's depiction of the human body, or a high school debate over how to address the growing AIDS crisis.

Please give our teachers the respect and credit they deserve. Please give our children the educational opportunities they deserve. Please do not approve Section 2 of this bill. Thank you.

Connie Owen
12207 Gillette St.
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913-696-0423

House Education Committee
Date 3-13-08
Attachment # 8

OPPONENTS OF "New Section 2" of SB 492

C. Owen/Testimony

1. Kaci Adams	Olathe
2. Liz Anderson	Lenexa
3. Allison Basinger	Overland Park
4. Kim Biasella	Overland Park
5. Gustavo Blanco	Overland Park
6. Gladis Blanco	Overland Park
7. Christy Bomberger	Olathe
8. Shirley Bove	Lawrence
9. Anne Broz	Lawrence
10. Julie Bruer	Overland Park
11. Jane Bush	Overland Park
12. Leslie Chandler	Olathe
13. Thomas Cohen	Overland Park
14. Shirley Collins	Overland Park
15. Amy Coopman	Shawnee
16. Dave Coopman	Shawnee
17. Jan Cox	Overland Park
18. Kyle Cox	Overland Park
19. Stacey Cummings	Olathe
20. Amy Curtis	Lawrence
21. Kathy Denis	Overland Park
22. Laurent Denis	Overland Park
23. Brenda Douglas	Olathe
24. Mark Douglas	Olathe
25. Carol Edds	Overland Park
26. Lori Egan	Lenexa
27. Jonann Ellner	Olathe
28. Susan Fitzgerald	Olathe
29. Michael Fitzgerald	Olathe
30. Steve Franzen	Olathe
31. Regina Funk	Overland Park
32. Mike Gerstner	Lenexa
33. Angi Gerstner	Lenexa
34. Michelle Green	Olathe
35. Fred Greenbaum	Kansas City, Kansas
36. Paul Groth	Olathe
37. Catherine Groth	Olathe
38. Scott Hagenkord	Olathe
39. Susan Hagenkord	Olathe
40. Matt Haverty	Overland Park
41. Vicki Hiatt	Shawnee Mission
42. Lyle Holthus	Overland Park
43. Denise Howell	Olathe
44. Rachel Hoyer	Overland Park
45. Jeff Hoyer	Overland Park
46. Christy Hudak	Overland Park
47. Beth Hunter	Overland Park
48. Kim Jennings	Lawrence
49. Allison Johnson	Overland Park

50. Carol Anne Jones	Olathe
51. Dave Kaup	Kansas City, Kansas
52. Richard Kendrick	Green Springs
53. Penny Kramer	Lawrence
54. Karen Love	Shawnee Mission
55. Karen Nichols McAbee	Olathe
56. Rae Marsee	Olathe
57. Amy Martin	Olathe
58. Catherine Martin	Lawrence
59. Linda McGuire	Lawrence
60. Maria Myers	Shawnee Mission
61. Harry Mullins	Olathe
62. Delia Mullins	Olathe
63. Stephanie Mullins	Olathe
64. Jason Mullins	Olathe
65. Kellie Nay	Olathe
66. Katie Niermann	Olathe
67. Sue Neverve	Lawrence
68. Colleen Noble	Overland Park
69. Dan Owen	Overland Park
71. Connie Owen	Overland Park
72. Stacy Parkinson	Olathe
73. Alex Parkinson	Olathe
74. Roshann Parris	Leawood
75. Teresa Perkins	Overland Park
76. Kelly Proctor	Overland Park
77. Joe Proctor	Overland Park
78. David Reber	Lawrence
79. Mike Rogers	Overland Park
80. Pat Rogers	Overland Park
81. Janet Ross	Lawrence
82. Peggy Salyer	Lawrence
83. Kris Russell	Shawnee Mission teacher
84. Janis Saylor	Olathe
85. Kristin Schultz	Overland Park
86. Senia Shields	Overland Park
87. Cynthia Smith	Prairie Village
88. Joanne Songer	Overland Park
89. Stephen Songer	Overland Park
90. Tammy Songer	Lenexa
91. Pam Squire	Overland Park
92. Sean Squire	Overland Park
93. Janice Tedrow	Olathe
94. Shari Thurston	Overland Park
95. Janee Thurston	Garden City
96. Jason Thurston	Overland Park
97. Toi Tuggle	Kansas City, Kansas
98. Tracey Weatherly	Overland Park
99. Karen Wycoff	Lawrence
100. Teresa Van Zant	Olathe

Kansas Families for Education

Demanding Excellent Public Schools for All

Testimony SB492

House Education Committee – March 13, 2008

Kathy Cook, Executive Director -Kansas Families for Education

Mr. Chairman and members of the committee, thank you for the opportunity to address you this afternoon. I am Kathy Cook, Executive Director for Kansas Families for Education and I appear today to oppose this legislation. We are a statewide organization made up of educators, parents, students, and other Kansans committed to equity and excellence in our public schools, for all Kansas students.

Our opposition to this legislation focuses specifically on Section 2, which would essentially restrict the ability of our educators to use their professional judgment in selecting classroom materials. This provision strips teachers of the right to defend their selection based on educational merit. We contend that this provision would offer those who look to censor quality literature for its ideas, while claiming it is for a few questionable phrases, the power to do so because teachers would no longer have the right to defend the ideas that give the materials educational merit.

The defenses to prosecution of teachers and librarians already require the material that the teacher or librarian selects must have been purchased by the school and its use be a part of an approved course or program of instruction. If a local school board wants to regulate use of potentially controversial materials in schools, it already has the authority through its purchasing policies and its curriculum approval processes.

The legislature has always been respectful of local control, and this measure intrudes on the ability of local boards to make decisions that are in the best of a majority of their patrons.

As parents we are concerned about the effect that section 2 could potentially have on the quality of education our children receive. Will boards of education discontinue the use of certain literature, or discontinue sex education classes because they feel they must yield to a vocal minority from the community? Anything that is the least bit controversial will likely be met with skepticism from a board that is looking to avoid a controversy.

Finally there is absolutely no indication that there are obscene materials being used in Kansas classrooms. While this provision may not be direct censorship, it is a form of intimidation. Will our students be denied the pleasure of reading of "The Adventures of Huckleberry Finn?" If section 2 remains, we may not know for years to come the effects it will have on our students' educational journey. Education should not be feared, and we must continue to place our trust in the wonderful teachers of Kansas.

We respectfully ask that this committee remove Section 2 from SB492. We fully support the remainder of the bill. Thank you.

House Education Committee

Date 3-13-08

Attachment # 9

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony before the
House Committee on Education

on
SB 492 – Teacher Licensure; Obscenity Defense

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

March 13, 2008

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to offer comments today on **SB 492**, which has two parts.

Section 1 amends current law that requires either a permanent prohibition on obtaining a Kansas teacher's license or a five-year ban with the possibility of reinstatement for certain crimes.

Specifically, it would change current law to allow a person convicted of *misdemeanor* driving under the influence of alcohol or drugs to acquire a teaching license in Kansas. It would also make a conviction of (or a criminal diversion agreement for) the crime of endangering a child result in a five-year ban; and conviction of aggravated endangering a child or of sexual battery when the victim was under 18 or a student of the person committing the crime result in a lifetime ban from the teaching profession. KASB has no objection to those changes.

We are much more concerned about Section 2, which ostensibly merely prohibits teachers from using, reading, or displaying any obscene material without approval of the local school board; and prohibits principals from allowing individuals to use, read, or display such material. In fact, we believe this section is more likely to simply increase confusion and litigation over materials provided in schools.

After the House discussed **HB 2900** last session and referred that bill to this committee, KASB reviewed the issue of the "teacher defense" against obscenity prosecutions with our members. Over the course of the past year, not a single school board or board member has suggested that current law should be changed, or provided a single example of a teacher who has "used, read or displayed" obscene material, whether or not such material was approved by the local board.

House Education Committee

Date 3-13-08

Attachment # 10

Following consideration by the KASB Legislative Committee and presentations at 10 regional meetings across the state attended by hundreds of local board members, the KASB Delegate Assembly overwhelmingly adopted a statement opposing “efforts to directly or indirectly limit the board’s ability to determine curriculum, library or other instructional materials.” While section 2 of **SB 492** would seem to strengthen the board’s authority over curriculum, our analysis suggests that would not be the case, for these reasons:

First, remember the “teacher defense” provided in K.S.A. 21-4301 is not an absolute immunity from prosecution or conviction in an obscenity case. It is simply a defense that can be offered which a prosecutor and jury must consider. Likewise, removing this defense would not eliminate the ability of a teacher to raise an “educational purpose” in defending the use of materials.

Second, the bill states that a teacher shall not read, use or display in a school any material for which an affirmative defense to prosecution may be asserted unless such material has been approved by the board. But a teacher will not know what materials might require such a defense until they are charged. If it is the intent of the Legislature to require all material used by a teacher be approved by the local school board, it would be better to state that policy directly.

Third, although the bill seeks to prohibit teachers and principals from using such materials without board approval, it contains no enforcement unless the local prosecutor charges the teacher. The teacher would retain all current due process rights, and in fact, courts have upheld limits to the ability of school boards to censor materials simply because they are controversial.

As in all cases involving obscenity, there are examples almost everyone agrees are inappropriate; there are examples that reasonable people agree are not obscene, and a large grey area in between. This legislation is not going to change that fact. However, we suggest it may lead to efforts to resolve curriculum controversy through the courts. We think that would be a mistake.

We believe the best way to resolve this matter is through the local school district decision-making process. Most boards have a procedure for dealing with controversial materials. School boards are accountable to the voters through local elections every two years. Our members say that system is working well, and does not need to be changed.

Thank you for your consideration.



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

**Mark Desetti, Testimony
House Education Committee
March 13, 2008
Senate Bill 492**

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you to share our thoughts on Senate Bill 492.

The first part of this bill would lift the permanent ban on a teacher's license for anyone convicted of a misdemeanor DUI. Under current law, if a teacher or prospective teacher is convicted of a misdemeanor DUI, he/she can never be issued a teaching license or have one renewed. While the bill would lift the ban on misdemeanors, it would retain it for a felony DUI.

The genesis of the bill was this discovery of a young woman about to graduate with a degree in education who found that she was not eligible for a teaching license because of a misdemeanor DUI. In her case, what has been characterized as a "youthful indiscretion."

We support this change. While we do not condone driving under the influence, we believe that with a misdemeanor conviction the individual should be given a chance to demonstrate that he or she has learned from this experience and cleaned up his or her behavior. If the behavior doesn't change and a felony conviction would result, then the loss of a license would apply.

On the Senate floor an amendment was adopted that would require any materials used by teachers to be pre-approved by the local board of education.

*[New Sec. 2. (a) A teacher shall not read, use or display in a school any material for which an affirmative defense to prosecution may be asserted under subsection (b)(2) of K.S.A. 21-4301a or subsection (c)(2) of 21-4301c, and amendments thereto, unless such use, reading or display has been approved by the board of education of the school district in which such school is located.
(b) A principal of a school shall not allow any person to read, use or display in a school any material for which an affirmative defense to prosecution may be asserted under subsection (b)(2) of K.S.A. 21-4301a or subsection (c)(2) of 21-4301c, and amendments thereto, unless such use, reading or display has been approved by the board of education of the school district in which such school is located.]*

The "affirmative defense to prosecution" refers to the teacher's option to defend the use of materials on the basis of educational merit. For example, if a teacher were to be charged under the obscenity laws with promoting obscenity because she had her literature students read To Kill a Mockingbird, the affirmative defense allows the teacher to defend herself because of the place the book holds in respect to 20th century American literature.

Under the amendment the teacher who uses that book would be committing a crime if the book was not pre-approved by the local school board.

In a high school, teachers could probably generate reading lists that could be pre-approved and then agree not to use other books and so be protected. In elementary schools, this might be more problematic

House Education Committee

Date 3-13-08

Attachment # 11

as teachers often use books to react to current events or simply because the children find them humorous. Is Maurice Sendak's In the Night Kitchen obscene? It does show a nude toddler. Is Captain Underpants obscene?

The most likely outcome if this were to pass would be the "chilling effect" it would have on teachers and teaching. High school teachers might decide not to even submit a title because some parent might be offended; elementary teachers would likely stop using personal collections gathered over the years because of their tie-in to certain units of study.

School districts in Kansas have policies and procedures in place for the review of materials that individuals find offensive. In addition, students have the option of an alternative assignment if they object to the material being used. These safeguards preserve academic freedom and individual rights.

We believe that the amendment is not necessary and ask the committee to remove new section 2 from the bill.

From: "Josh Anderson" <jandersononw@olatheschools.com>
To: <Aurand@house.state.ks.us>
Date: 3/11/2008 4:53 PM
Subject: Re: SB 492 Questions

Dear Chairman Aurand and Ms. Henning,

I appreciate hearing from you - I know your schedules are very busy. You are welcome to use my emails for written testimony. I truly believe that an amendment that allows for parents to opt-in to these materials will satisfy everyone interested in this legislation.

The past two weeks have given me additional time to realize that a great deal of what I bring into my classroom would not be considered obscene in a court of law, but would easily be enough to provoke someone with a heightened sense of morality to prompt an investigation, which the law would be obligated to uphold. It is the investigations that concern me, not the final outcome. Anyone who has visited classkc.org knows that there is a small but vocal group of parents who will not hesitate to call for these investigations within hours of the Governor's signature.

I do, on the other hand, absolutely defend a parent's right to control the material that his or her child is reading in the classroom. I do not believe, however, that the state should have the final say on what our children should read. This is an excellent opportunity to champion local control and parental choice. An amendment to the amendment that allows parents to opt-in promotes both local control and parental choice, a move we can all live with!

Thanks again for all you do,
 Josh Anderson

>>> "Clay Aurand" <Aurand@house.state.ks.us> 03/11/08 4:21 PM >>>

Chairman Aurand appreciates your e-mail and wanted to know if it would be all right to include your e-mail as "written testimony" for the House Education Committee meeting when this bill is heard on March 13th.

Janet Henning
 Committee Assistant
 for Rep. Clay Aurand
 785.296.7672

>>> "Josh Anderson" <jandersononw@olatheschools.com> 2/28/2008 11:23 AM >>>

Dear Chairman Aurand, Vice-Chairperson Horst, Representative Hodge, Representative Trimmer, and Representative Phelps:

Thank you for your work this year on the House Education Committee. Your work benefits Kansas students, and I know that the sacrifices you make to serve are many and great. I appreciate what you do.

I would like to ask two questions about SB 492. As I read the text of the bill with only a layman's perspective, it appears that some of what I do in my classroom may be considered in violation of New Section 2 (a) as amended by the Senate regarding a teacher's use of obscene material. Here are a couple examples:

a) I have many play scripts available to the students for browsing as they prepare for competitive speech tournaments. The total volume of this collection prevents me from reading and/or editing all of the materials, though I am aware of several scripts that contain material that would be considered obscene and lacking literary merit by anyone who is not familiar with theatre. If a parent (perhaps one with a political agenda) were aware that one of these plays was made available to other students, would she be able to make a compelling case to the authorities that I should at least be arrested?

House Education Committee
 Date 3-13-08
 Attachment # 12

b) Each year, I hand-pick American literature books for my English students based on their reading interest, reading levels, and parent feedback. Many of these books contain material that would be considered obscene and lacking literary merit by anyone who is not familiar with contemporary literature. These books are not on the approved district reading list, nor have they been evaluated by my principal. Would I be subject to prosecution under this law even if I had the parent's permission?

In both cases, the parents of these students have signed an agreement that permits their child to view these materials, yet the amendment provides no provisions for allowing parental permission to release the teacher from possible prosecution.

My first question is whether it is possible to amend the amendment so that parents may grant permission for teachers to use these materials when deemed appropriate by the teacher and the parent. My second question is whether there may come a time when the letter of the law transcends the intended spirit of the law. Perhaps we each assume that we can agree on what the "average person" might consider "contemporary community standards" - but we can never assume that these will not shift with each election. Much of this amendment relies on faith alone to protect our teachers from a witch hunt. It is not the spirit of the law that concerns me, it is the width of the net that might be cast.

I do absolutely agree with the spirit of this bill and with the spirit of the amendment - and I look forward to congratulating you on passing legislation that protects our children from blatantly obscene materials and from convicted criminals who have no business in the classroom. I do feel, at this time however, that the language of the amendment may open the doors of accusation much wider than we intend.

Thank you,
Josh Anderson
2007 Kansas Teacher of the Year

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12-2

From: "Montgomery, Katie" <KMontgomery@piperschools.com>
To: <aurand@house.state.ks.us>
Date: 3/3/2008 7:16 PM
Subject: SB 492

March 3, 2008

Piper Teacher Association

Katie Montgomery

President Elect

Piper USD 203

Kansas City, Kansas

Dear Representative Aurand:

Thank you for your work in the House this year. The hours you spend each week working for the benefit of Kansas residents and the difficult decisions you make on their behalf on a daily basis do not go unnoticed. As teachers of Piper USD 203, we innately understand the sacrifice and dedication required to serve others. We appreciate the work you do.

It is in regards to an upcoming decision regarding SB 492 that we write to you now. From a layman's point of view, it seems as though much of the work we do as educators would be in violation of the New Section 2 (a) regarding the use of obscene material. Because the bill requires school board approval for essentially all materials used, or even displayed, in a classroom, teachers would be immediately hindered in the use of current events and new media. Under this law, teachers could not discuss any current event without a) clearing the material through their school board (which could take months, given their schedule), in which case the event is no longer current and therefore infinitely less educational, or b) use the materials while the event is current without approval and risk being sued due to the immensely vague nature of the word "obscene."

While we recognize that these instances of legal action would be rare, we, as teachers, object to the legal opaqueness this situation creates. In essence, this bill will require us to break the law in order to be better teachers. The lack of legal persecution will not excuse what this bill will force us to do.

Ironically, we do not object to the spirit of the bill. School boards should be informed about what is happening in the classroom. Communities should have input. These concerns are why mandated curriculums and standards exist. As teachers, we understand all too well the impressionable nature of our students and how sensitive controversial issues can be. We also know, however, that our students must be stretched and challenged; they must be pushed to apply their knowledge to the world around them. Without this critical aspect of their education, students will become regurgitating automatons, incapable of free and original thought. Without this critical aspect of student education, we, as teachers, lose the freedom to control our own classrooms. Without this critical aspect of student education, we, as a society,

House Education Committee

Date 3-13-08

Attachment # 13

risk the loss of our future leaders and visionaries.

We urge you to vote no on SB 492. Ultimately, the bill amounts to a muted form of censorship that implies that teachers do not do what is best for students. We have been entrusted with the education of the future. For all of the emotional aggrandizement of this cliché, please believe that we take it seriously. Teachers teach because they want what is best for their students. The implication of SB 492 is that we fail at this very core concept. We ask that you vote no on SB 492 as a way of acknowledging that the faith placed in every classroom teacher has not been misguided.

Sincerely,

The Teachers of Piper USD 203

Brandi Apperson, Piper East Elementary, Grade 5

Marlene Bachtel, Piper East Elementary, Grade 5

Tiffany Bode, Piper High School, English

Lionel Brown, Piper High School, Spanish

Debra Brucker, Piper East Elementary, Grade 5

Taylor Burson, Piper East Elementary, Grade 5

Julie Catron, Piper East Elementary, Grade 4

Tom Dozier, Piper High School, Spanish

Denise Duke, Piper High School, Social Studies

Sally Gordon, Piper West Elementary, Kindergarten

Lynn Hargis, Piper East Elementary, Grade 3

Susan Hallstrom, Piper High School, Chemistry

Marilyn Hillman, Piper Elementary, Technology Instructor

Dr. Cindy Horchem, Piper High School, Journalism

Linda Hosch, Piper Elementary Media Specialist

Kevin L. Kohls Piper East Elementary, Grade 3

Christine Kohrs, Piper High School, English

Christine Johns, Piper High School, Counselor

David W. Lungren, Piper Middle School, Social Studies

Kristen Lynch, Piper West Elementary, Music

Tari Marietta, Piper High School, Business

Susan McPherson, Piper High School, Art

Leslie McAfee, Piper High School, Mathematics

Katie Montgomery, Piper High School, Drama and Speech

Lisa Pembleton, Piper West Elementary, Kindergarten

Tom Radke, Piper High School, Social Studies

Sarah Rast, Piper Middle School, Social Studies

Dr. Robert Runnebaum, Piper High School, Principal

Richard Tatro, Piper High School, Assistant Principal/ Activities Director

Anne Verhulst, Piper West Elementary, Kindergarten

Bill Warne, Piper High School, Social Studies

Jennifer West, Piper West Elementary, Grade 2

Getting to College Early

Sometimes the best place for an advanced high school student is a university. Although it might sound like a radical solution, it's been going on in this country since the early days of our nation.

In fact, throughout American history, highly capable students have started college ahead of time. The products of the one-room schoolhouse often ended up at Harvard and Yale before the age of eighteen.

Despite the long history of the practice, early entrance to college is still controversial. At the same time, researchers say it is becoming more common.

The reason for early entrance to college is the same as it always was—mastery of the high school curriculum—and, sometimes, boredom with the local high school environment. A highly capable student may be thirsting for academic challenges not available.

Such a student may have been waiting years for a challenging curriculum, and by high school it simply may be time to move forward.

It's Not Just for Geniuses

Early entrants who are profiled by the media tend to be the rare students who start college at remarkably young ages. However, there is a tremendous variety in the age, ability, emotional maturity, and family background of early entrants. Many early entrants are only a year or two younger than other freshmen.

"There's been too much attention to the few kids who are in college at 10," says Professor Julian Stanley of Johns Hopkins University, who has worked with thousands of students who enter college early, mostly in the age range of 15-17.

It doesn't always seem like such an extreme move to the early entrants themselves. Some students, especially those who have been accelerated by whole grade or by subject, have already spent their final year in high school in the same classroom with college-bound seniors. These students come to college with the same knowledge as regular-aged college-bound freshmen.

Other early entrants to college have been to college before. They have lived away from home as part of summer college programs and already have experience taking college courses with older students. They may have spent significant time on local community college campuses, and they're often more familiar with a college environment than other first-year students.

These early forays into college life—summer courses or community college classes—may be enough for some academically advanced high school students. For others, it is a taste of something they cannot resist. Those students decide that instead of a course here or there, they would like to enroll in college full-time.

But not every early entrant has had the opportunity to get a taste of college. Some enter college out of frustration with their options, or more accurately, the lack of options. They have very different needs from the early entrants who have had years of summer school and community college experiences.

Choices for Early Entrants

Early entrants' experiences can vary. They can live in a dorm or live at home and commute to college. They can choose a highly selective college, or a local community college with an open-door admissions policy.

Students can even enroll in a college with special programs for early entrants. These programs offer ad-

ditional support and a group of peers going through a similar experience. Sometimes, special dorm arrangements and scholarships are available.

The Texas Academy of Mathematics and Science (TAMS) at the University of North Texas enrolls 200 tenth-graders each year. TAMS grants high-school diplomas to students while they simultaneously complete their last two years of high school and the first two years of college.

The University of Washington has a long and successful history of early-entrance programs with a special Transition School to smooth the passage from school to college. The Bard High School Early College program is another successful program and is free to New York City residents.

Mary Baldwin College sponsors the early entrance Program for the Exceptionally Gifted (PEG), and the State University of West Georgia sponsors the Advanced Academy of Georgia.

Early entrants should take a careful look around at their choices. They may even be able to stay in high school with their friends and attend a local college at the same time. In fact, it's possible to finish high school and college simultaneously, earning two diplomas at once.

As options like summer school and whole-grade acceleration become more common, it's likely that more students will enter college earlier. These students will simply exhaust what high schools have to offer a little faster than their peers.

It's possible, too, that American high schools will offer more challenges in the near future. As the Advanced Placement (AP) program expands, and as other accelerated options become more available (e.g., highly selective state-supported high schools), more students may find appropriate challenges in high school.

A listing of selected early-entrance programs is found in Appendix F.

Social Concerns

It would be unrealistic to expect that every early entrant would experience a problem-free transition from high school to college. Even regular-age students often have academic and social difficulties that cause problems in college adjustment.

The spotlight shines a little harsher on younger students. Despite some difficulties with being younger, such as not being of legal driving age until a year or two later than classmates, the vast majority of early entrants to college are happy with their experiences.

Most of the research on early enrollment shows positive outcomes, but not every early entrant adjusts well.

So far, the research has not yet painted the clear, compelling picture of success that some parents feel they need in order to be comfortable with an early-entrance decision. Dr. Julian Stanley sees it as an individual portrait versus a group picture.

"There is evidence that some individual students who entered college at younger-than-typical ages have had difficulty adjusting," Stanley says. "There's no way to know for sure what would have happened to these kids if they had started college later."

"Clearly, the research on groups of early entrants, whether they were regularly admitted college students or participants in an early college program, strongly suggests that many of them were highly successful academically without experiencing social or emotional difficulties," says Stanley.

Getting a Head Start

Everyone can agree that entering college earlier can result in fewer total years spent in school. This has its advantages.

"I am excited that I do have an extra year to figure out what's actually going on when I graduate," says Alexis Hanson of Hudson, Iowa, who entered college early. "Maybe I'll take a year off between college and graduate school, and I feel like I don't have to get into it right away."

Some professions, like medicine, require a time investment of eight years or more after the undergraduate degree. By accelerating, early entrants to college can enter professional life earlier. For some people, that extra time can make balancing family and job obligations a little easier.

Getting a head start can also mean an opportunity to explore personal interests. Many accelerated students who finish college at twenty can work abroad, take a temporary job outside their usual field, have

time to play, and still be on track with their careers. Some accelerated students, interviewed years later, say their favorite part of the experience was that extra time away from the traditional path.

While the public perception is that early entrants lose out on the special time of high school, the reality is that they may gain a slice of time just for their personal and professional exploration. That, former early entrants say, may be the best education.

An Early College Entrant Speaks

James Edel grew up in Chicago, Illinois, and is the first student from his high school to graduate a year ahead of time and enter college. He is enrolled in the National Academy of Arts, Sciences, and Engineering (NAASE), the early-entrance program at The University of Iowa, where he's an English and philosophy major.

Why did you decide to leave high school early?

I had senioritis when I was a sophomore. If I had stayed for senior year, I wouldn't have done anything. I would have stagnated. School was so easy, and we never got to choose our classes. I was just looking to get out of high school in all kinds of ways.

How did you find out about NAASE?

So oddly, I got one of the pamphlets in the mail, and I was the only person in my high school who got it.

How did people at your high school react?

When I first approached my counselor about this, the first thing she said was, "Well, you know you're not going to graduate." No one had ever left our school early to go to college because no one had heard of it.

My leaving early definitely opened doors and a lot of kids said they would have wanted to do it, too. Now, I know of kids who did skip.

When I told people I was leaving, I got a lot of strange looks. It wasn't that I was in a rush to grow up, but I ended up growing up a lot sooner.

Was your age a problem in college?

For the most part, it's a novelty. People find it interesting. And it's hard to explain, so I don't even try. It confused a lot of people that I was at The University of Iowa for a year and then went back to graduate high school.

After I was no longer 17, age didn't matter at all. And I like college a whole lot.

14-3

Executive Summary

A Nation Deceived: How Schools Hold Back America's Brightest Students

America's schools routinely avoid academic acceleration, the easiest and most effective way to help highly capable students. While the popular perception is that a child who skips a grade will be socially stunted, fifty years of research shows that moving bright students ahead often makes them happy.

Acceleration means moving through the traditional curriculum at rates faster than typical. The 18 forms of acceleration include grade-skipping, early-entrance to school, and Advanced Placement (AP) courses. It is appropriate educational planning. It means matching the level and complexity of the curriculum with the readiness and motivation of the student.

Students who are moved ahead tend to be more ambitious, and they earn graduate degrees at higher rates than other students. Interviewed years later, an overwhelming majority of accelerated students say that acceleration was an excellent experience for them.

Accelerated students feel academically challenged and socially accepted, and they do not fall prey to the boredom that plagues many highly capable students who are forced to follow the curriculum for their age-peers.

For the first time, this compelling research is available to the public in a bold new initiative to get these findings into the hands of parents, teachers, and principals. The report is available at no cost to schools, the media, and parents requesting copies.

You'll find information about entering school early, skipping grades in elementary school, the Advanced Placement program, and starting college ahead of time. You'll read the comments of accelerated students, Deans of Colleges of Education, a school superintendent, and a school board member. Every sentence in this volume is culled from the research of America's leading education experts. If you'd like more research information, see Volume II of this report.

With all this research evidence, why haven't schools, parents, and teachers accepted the idea of acceleration? *A Nation Deceived* presents these reasons for why schools hold back America's brightest kids:

- Limited familiarity with the research on acceleration
- Philosophy that children must be kept with their age group
- Belief that acceleration hurries children out of childhood
- Fear that acceleration hurts children socially
- Political concerns about equity
- Worry that other students will be offended if one child is accelerated.

This report shows that these reasons are simply not supported by research. By distributing thousands of copies and launching a public-awareness campaign, the *Nation Deceived* report provides teachers and parents the knowledge, support, and confidence to consider acceleration.

The cost of the report, both online and print, has been covered by the John Templeton Foundation. *A Nation Deceived* hopes to change the conversation about educating bright children in America. A website www.nationdeceived.org has been established to encourage dialogue across the nation.

We invite you to learn more about why acceleration is so important for America's children. For further information and to download the report go to www.nationdeceived.org. This interactive website also allows you to give your opinion on the report.

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