

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 16, 2011, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Eunice Peters, Office of the Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas Department of Education
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Holly Weatherford, ACLU of Kansas and Western Missouri
Sarah Gillooly, Planned Parenthood of KS & Mid-Missouri
Thomas Witt, Kansas Equality Coalition
Travis Barnhart, Kansas Equality Coalition
Amber Versola, Kansas NOW
Boo Tyson, Mainstream Coalition (written only)
Mark Tallman, KASB
Bill Reardon, USD #500
Kathy Wood, Kansas Coalition Against Sexual & Domestic Violence
Eric Rovenstine, Kansas Equality Coalition
Brook Taylor
Diane Gjerstad, USD #259

Others attending:

See attached list.

Hearing on **SB 68-Creating the Kansas healthy youth act**

Jason Long, Office of the Revisor of Statutes, provided a summary of **SB 68** which would require each board of education to provide a comprehensive education program in human sexuality by the 2017-18 school year. The program would emphasize the benefits of abstinence while including information about sexually transmitted infections, pregnancy prevention, healthy relationships, human maturation and health decision making. Each board of education would develop and distribute to parents and legal guardians a summary of the program to encourage parental guidance and involvement in the instruction of the student.

According to the Department of Education, enactment of **SB 68** would have no fiscal effect on state aid programs. Any additional costs associated with creating the human sexuality program would be borne by school districts.

Following a question by the Chair, Mr. Dennis stated current law provides requirements falling under this legislation are in rules and regulations from the State Board of Education. Senator Wagle requested a copy of these be provided the committee.

Holly Weatherford, Program Director, ACLU of Kansas and Western Missouri, appeared before the committee in support of the proposed legislation (Attachment 1). She concluded her testimony by stating the ACLU is asking for legislation that ensures that Kansas' sex education curriculum provide students with medically accurate, age-appropriate, unbiased information about human development and reproductive health by passing the Kansas Healthy Youth Act without delay.

Other conferees providing testimony in support of **SB 68** included Sarah Gillooly, Planned Parenthood of Kansas & Mid-Missouri (Attachment 2), Thomas Witt, Kansas Equality Coalition (Attachment 3), Travis Barnhart, Chair, Topeka Chapter, Kansas Equality Coalition (Attachment 4), Amber Versola, Kansas NOW (written only) (Attachment 5), and Boo Tyson, Mainstream Coalition (written only) (Attachment 6).

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on February 16, 2011, in Room 152-S of the Capitol.

Mark Tallman, Associate Executive Director for Advocacy, Kansas Association of School Boards, appeared before the committee in opposition to **SB 68** (Attachment 7). He stated KASB has consistently opposed placing specific curriculum requirements in state statute. The Kansas constitution gives local school boards, elected by and accountable to their community, the duty to manage public schools under the "general supervision" of the Kansas State Board of Education. Nothing in the Constitution provides for the Legislature to mandate specific course content and teaching. Also, their members have specifically voted to oppose new state mandates at a time when current requirements are underfunded or zero funded. They believe most districts have already implemented human sexuality programs along the lines suggested in this bill.

Bill Reardon, USD #500, also appeared before the committee in opposition of **SB 68** (Attachment 8), viewing it as a mandate from the state defining curriculum. They would support efforts by the Kansas Department of Education to provide additional materials to districts that choose to incorporate age appropriate lessons on human sexuality into a district's existing curriculum.

Sue Storm, a member of the State Board of Education, but not speaking as a representative of the Board, responded briefly to questions from the committee. She stated that in many cases local school boards have not taken a position on sex education, but have made that decision in the textbooks they have selected. In the past there were more mandates from the state than there are now. However, the State Board does have model standards if districts want to use them. These are comprehensive, medically accurate, age appropriate, and include everything.

Dale Dennis, Deputy Commissioner, Kansas Department of Education, stated local boards have considerable authority. They are required to teach it but the age and the curriculum is decided by the local elected board.

Following a question from Senator Schmidt regarding Section (f) providing for a legal cause of action, Senator Vratil stated this was highly unusual language for legislation regarding K-12 school curriculum. He stated this would be precedent-setting.

The hearing on **SB 68** was closed.

Hearing on **SB 69-Requiring school districts to adopt policies against dating violence**

Jason Long, Office of the Revisor of Statutes, provided a brief summary of the provisions included in **SB 69**. **SB 69** would add the terms "dating partner" and "dating violence" to current law regarding bullying. In addition, the bill would require school districts to adopt policies regarding dating violence, in addition to current bullying policies.

Kathy Wood, Kansas Coalition Against Sexual & Domestic Violence, appeared before the committee in support of the proposed legislation (Attachment 9). She stated that policies and training that address how to recognize, respond to, and prevent dating violence within schools are necessary components for a comprehensive approach to keeping Kansas children and youth safe.

Thomas Witt, Kansas Equality Coalition (Attachment 10), Eric Rovenstine, Kansas Equality Coalition (Attachment 11), and Brook Taylor, Miss Leavenworth County (Attachment 12), all appeared with testimony in support of **SB 69**.

Mark Tallman, Associate Executive Director for Advocacy, Kansas Association of School Boards, appeared to offer testimony as neutral on this issue (Attachment 13). The membership of KASB believe the issues raised in this bill are already substantially addressed in current language regarding bullying. They feel this bill is another example of the fact that despite all the concern over government getting too big, spending too much and being too involved in our lives, we seem to turn to government – in this case the public schools – to solve problems the school system did not create and have little to do with its primary mission.

Bill Reardon, USD #500, appeared before the committee with neutral testimony (Attachment 14) with regard to **SB 69** also. He stated they believe the language in this bill regarding "dating violence"

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describes a form of bullying and, therefore, is covered by current anti-bullying statutes.

Diane Gjerstad, USD #259, also appeared with neutral testimony (Attachment 15) stating the current statutory language is broad enough to cover any unhealthy relationship without developing a list in statute.

The hearing on **SB 69** was closed.

The next meeting is scheduled for February 17, 2011.

The meeting was adjourned at 2:30 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: Feb 16, 2011

NAME	REPRESENTING
Thomas Witt	KEC
Eric Ravenstine	KEC
Dan Manning	KEC
Dustin Johnston	KEC
B. Dearden	KCIC USD 500
Melissa Ward	hein law firm
Kathryn Wood	KCSDV
Deborah Zelli	KCSDV
Sarah Strick	KCSDV
Sarah Thompson	KEC
Travis Barnhart	KEC
Pandra Springer	KDHE
Blenda Zaeker	KDHE
Diane Gierstad	Wichita Public Schools
Holly Weatherford	ACLU
Sarah Gillooly	PPKM
Amber Vergara	KS N'DV
Luci Alarum	KS BOE
Caitlin McMURTRY	KHI

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: Feb. 16 2011 (cont)

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**Testimony of the ACLU of Kansas and Western Missouri
Regarding the Kansas Healthy Youth Act
February 16, 2011**

**Holly Weatherford
Program Director, ACLU of Kansas and Western Missouri
3601 Main St. Kansas City, MO 64111**

*Senate Education
2-16-11
Attachment 1*

Introduction

Thank you for this opportunity to address the Senate Education Committee today in support of the *Kansas Healthy Youth Act*. My name is Holly Weatherford and I am the Program Director for the ACLU of Kansas and Western Missouri. The ACLU has consistently advocated for policies that advance reproductive health and well-being, support good decision-making and health practices, and ensure strong, healthy families. On behalf of our over 1,700 members across the state, we urge you to vote for the *Kansas Healthy Youth Act*.

We all want our children to make the best and healthiest decisions in life. We can't be with them all the time, but we can make sure that our schools give students the tools they need to make informed and healthy decisions as grow into adults. Sexuality is fundamental to who we are as human beings and how we build relationships and connect with other people. This bill recognizes the importance of young people waiting to have sex while providing accurate, age-appropriate information about healthy relationships and behaviors, effective contraceptive use, and sexually transmitted infections. The *Kansas Healthy Youth Act* is good public policy for Kansas because it gives young people balanced and factual information, free of religious biases and value judgments, to enable them to make healthy life decisions.

State-Specific Statistics on Teen Pregnancy/Teen STIs

In Kansas, teen pregnancy rate was 28.6 per 1,000 women in 2008. Since 1989, the teen pregnancy rate in Kansas declined dramatically, but the decline has since stalled with a 3% increase between 2006-2007 and again in 2007-2008. In 2009, 4255 Kansas adolescents contracted Chlamydia, gonorrhea, or syphilis. This is a 22% increase since 2007. These numbers do not include the countless number of teens that have contracted genital herpes nor the teens that have tested positive for HIV.

The Youth Risk Behavior Surveillance System (YRBSS) was developed in 1990 to monitor priority health risk behaviors that contribute markedly to the leading causes of death, disability and social problems among youth and adults in the U.S. These 6 behaviors are often established during childhood and consist of tobacco use, alcohol and drug use, sexual behaviors, physical activity, nutrition, and unintentional and intentional injuries. The Centers for Disease Control (CDC) oversees the YRBSS, which is conducted every other year during the odd years (i.e. 2007, 2009, 2011). In the 2009, the Kansas YRBS survey showed Kansas youth's risky behavior on the decline and healthy behaviors increasing in all areas except human sexuality. In 2009, 46.6% of Kansas high school students reported having sexual intercourse, up from 45% in 2007. By grade 12, this statistic increases to over 62%. Over 60% of students used a condom during intercourse among those who had sex within the past 3 months, a 5.7% decline since 2007 and a 7.8% decline since 2005. Finally, 83.8% of Kansas students reported having been taught in school about HIV/AIDS, representing a 1% decline since 2007 and 5% decline since 2005.

Comprehensive Sex Education Works and is Widely Supported

Comprehensive sex education helps students develop the communication and decision-making skills they need to negotiate intimate relationships. The *Kansas Healthy Youth Act* will give young people the tools they need to learn safe and healthy behaviors, such as choosing not to be sexually active, and making responsible decisions if they do become sexually active.

Research has shown that comprehensive sex education programs do *not* increase sexual activity or hasten the onset of first intercourse among teens.¹ Some programs have been found to lead to positive health outcomes, including delaying the initiation of sex as well as reducing the frequency of sex, the number of new partners, and the incidence of unprotected sex, and/or increasing the use of condoms and contraception among sexually active participants.² A recent study found that teens who participated in sex education programs that discuss the importance of delaying sex and provide information about contraceptive use were significantly less likely to report teen pregnancies than were those who received either no sex education or attended abstinence-only-until-marriage programs.³ Long-term impacts in some programs have included lower STI and/or pregnancy rates.⁴

That is why major medical organizations like the American Medical Association,⁵ the American Nurses Association,⁶ the American Academy of Pediatrics,⁷ the American College of Obstetricians and Gynecologists,⁸ the American Public Health Association,⁹ the Institute of

¹ Douglas Kirby, National Campaign to Prevent Teen and Unplanned Pregnancy, *Emerging Answers 2007: Research Findings on Programs to Reduce Teen Pregnancy 20* (2007), available at http://www.teenpregnancy.org/product/pdf/6_11_2007_13_14_8Fullreport_EmergingAnswers2007.pdf

² Id. at 127-136 Douglas Kirby, National Campaign to Prevent Teen and Unplanned Pregnancy, *Emerging Answers 2007: Research Findings on Programs to Reduce Teen Pregnancy 20* (2007), available at

http://www.teenpregnancy.org/product/pdf/6_11_2007_13_14_8Fullreport_EmergingAnswers2007.pdf; Douglas Kirby et al., *Impact of Sex and HIV Education Programs on Sexual Behaviors of Youth in Developing and Developed Countries* 26-42 (Family Health Int'l, Working Paper No. 2, 2005) available at <http://www.fhi.org> (follow "youth" on navigation frame; then "YouthNet" to "YouthNet Publications" to "Youth Research Working Papers"); Sue Alford, *Advocates for Youth, Science and Success: Sex Education and Other Programs that Work to Prevent Teen Pregnancy, HIV & Sexually Transmitted Infections* (2003), available at

<http://www.advocatesforyouth.org/publications/ScienceSuccess.pdf>; Sue Alford, *Advocates for Youth, 3 Science and Success: Sex Education and Other Programs that Work to Prevent Teen Pregnancy, HIV & Sexually Transmitted Infections* (forthcoming 2008).

³ Pamela K. Kohler et al., *Abstinence-Only and Comprehensive Sex Education and the Initiation of Sexual Activity and Teen Pregnancy*, 42 J. of Adolescent Health 344,349-50 (2008).

⁴ Kirby, *Emerging Answers 2007*, *supra* note 12, at 101-136, 137-174; Kirby, *Impact of Sex and HIV Education Programs*, *supra* note 13, at 15-42; Alford, *Science and Success*, *supra* note 13; Alford 3 *Science and Success*, *supra* note 13.

⁵ American Medical Association House of Delegates, *Policy H-170.968 Sexuality Education, Abstinence, and Distribution of Condoms in Schools*; see also American Medical Association House of Delegates, *Report 7 of the Council on Science and Public Health (A-09): An Updated Review of Sex Education Programs in the United States* (2009) available at <http://www.ama-assn.org/ama1/pub/upload/mm/443/csaph-rep7-a09.pdf>; Victoria Stagg Elliott, "AMA Meeting: Comprehensive Sex Ed Said to Have Most Impact, *American Medical News*, 29 June 2009, <http://www.ama-assn.org/amednews/2009/06/29/prsh0629.htm>.

⁶ Mary Jean Schumann, *Prevention of Adolescent Pregnancy and Sexually Transmitted Disease: A Moral Imperative, a Public Health Imperative, or Both?* 2 AM. NURSES ASS'N ETHICS & HUM. RTS. ISSUES UPDATE (Spring 2002), available at <http://www.nursingworld.org/MainMenuCategories/ThePracticeofProfessionalNursing/EthicsStandards/CEHR.aspx> (follow "Issues Update" hyperlink, then "Issues Update Archive, to "Issues Update Vol 2 – No 1 Spring, 2002").

⁷ Comm. on Adolescence, Am. Acad. of Pediatrics, *Sexuality Education for Children and Adolescents*, 108 PEDIATRICS 498 (2001), available at <http://aappolicy.aappublications.org/cgi/reprint/pediatrics;108/2/498.pdf>.

⁸ COMM. ON ADOLESCENT HEALTH CARE, AM. COLL. OF OBSTETRICIANS AND GYNECOLOGISTS, *STRATEGIES FOR ADOLESCENT PREGNANCY PREVENTION* 6 (2007), available at <http://www.acog.org/departments/adolescentHealthCare/StrategiesForAdolescentPregnancyPrevention.pdf>.

Medicine,¹⁰ and the Society of Adolescent Medicine¹¹ support comprehensive sex education. Comprehensive sex education is also supported by major educational organizations including the American Federation of Teachers,¹² the National Education Association,¹³ and the National School Boards Association.¹⁴

Conclusion

We ask you to ensure that Kansas' sex education curriculum provides students with medically accurate, age-appropriate, unbiased information about human development and reproductive health by passing the *Kansas Healthy Youth Act* without delay. Thank you for giving me the opportunity to speak with you today. Please feel free to contact me with any questions or for examples of model comprehensive curricula. I look forward to working with you for the benefit of all of the young people in our community.

⁹ American Public Health Association, *Sexuality Education as Part of a Comprehensive Health Education Program in K-12 Schools*, POL'Y STATEMENT DATABASE, Policy No. 2005-10 (Dec. 14, 2005), <http://www.apha.org/advocacy/policy/policysearch/default.htm?id=1304>.

¹⁰ COMM. ON HIV PREVENTION STRATEGIES IN THE U.S., INST. OF MED., NO TIME TO LOSE: GETTING MORE FROM HIV PREVENTION 8 (Monica S. Ruiz et al. eds., 2001), available at http://www.nap.edu/catalog.php?record_id=9964#toc.

¹¹ Society for Adolescent Medicine, *Abstinence-only Education Policies and Programs: A Position Paper of the Society for Adolescent Medicine*, 38 J OF ADOLESCENT HEALTH 83 (2006), available at http://www.adolescenthealth.org/PositionPaper_Abstinence_only_edu_policies_and_programs.pdf.

¹² American Federation of Teachers (AFT), Reproductive Rights Resolution (2006), https://www.aft.org/about/resolutions/2006/reproductive_rights.htm.

¹³ National Education Association (NEA), *NEA 2000-2001 Resolutions, B-39, Sex Education*.

¹⁴ National School Boards Association, *A School Board Member's Guide to Sex Education*, Spring 2002, <http://www.nsba.org/MainMenu/SchoolHealth/SelectedNSBAPublications/SexualityEducation/ASchoolBoardMembersGuidetoSexEducation.aspx>.



**Testimony of Sarah M. Gillooly, M.A.
 Kansas Public Affairs Manager of
 Planned Parenthood of Kansas & Mid-Missouri
 proponent to Senate Bill 68
 before the Senate Committee on Education of the Kansas Legislature
 February 16, 2011**

Good morning. My name is Sarah Gillooly and I am the Kansas Public Affairs Manager for Planned Parenthood of Kansas and Mid-Missouri (PPKM). Thank you for this opportunity to present testimony in support of SB 68.

To many people, PPKM is best known for our comprehensive reproductive health care services that we provide at our three health centers in Kansas (Hays, Wichita and Overland Park). However, PPKM is much more than that. Planned Parenthood offers a wide range of education programs designed to bring sexual health information directly to young people, adults who work with them and parents.

Planned Parenthood is here this afternoon to offer testimony from our unique perspective as a provider of education, information and health services.

We have a preventable public health problem in this country—an estimated 750,000 American teens aged 15 - 19 will become pregnant this year and nearly four million will contract a sexually transmitted infection (Guttmacher Institute, 2006). From the early 1990s through the early 2000s, rates of teen pregnancy, birth and abortion in the United States all declined dramatically—primarily but not exclusively because of increased and more effective contraceptive use among sexually active teens. These declines have since stalled, however, and new data from the Centers for Disease Control and Prevention's National Center for Health Statistics (NCHS) indicate that teen birthrates are on the rise. NCHS reports a 3% national increase between 2005 and 2006 (from 40.5 to 41.9 births per 1,000 females aged 15–19).

Eighty-two percent of teen pregnancies are unplanned, accounting for about one in five of all unintended pregnancies (Guttmacher Institute, 2006). Teenagers need to know how to protect themselves against unintended pregnancy, HIV/AIDS and other sexually transmitted infections. It is critical that young people have access to accurate information and services in order to help them make responsible decisions about their bodies and their relationships.

Here in Kansas, while the statewide teen pregnancy rate remains below the national average, 38 Kansas counties had rates higher than the state average of 26.5 pregnancies per 1,000 young women. 11 of those counties have teen pregnancy rates higher than 40%. Geary, Grant, Hamilton, Morton and Wyandotte counties all had teen pregnancy rates higher than 50%, the highest in the state. Sexually transmitted infections (STIs) also remain an area of concern in Kansas. In 2008, there were 2,274 reported cases of Gonorrhea and 9,208 reported cases of Chlamydia, and likely many more untreated and therefore unreported, in Kansas. The CDC estimates more than 1/3 of Kansas women in their childbearing years have HPV (human papillomavirus).

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 Attachment 2*

HPV, if untreated, may develop into cervical cancer. Untreated STIs, from Chlamydia and Gonorrhea, other more common STIs, are a leading cause of infertility in our country. Comprehensive, age-appropriate sex education is not only important to reduce the number of unintended pregnancies in our state, but also to reduce fertility complications later in life.

Planned Parenthood believes parents should be the primary educators in a child's life. Sometimes parents need help talking with their children about sex. We need education programs in our schools that will keep young people healthy — by including information about abstinence as well as pregnancy prevention, healthy communication and relationships, responsible decision-making, and prevention of sexually transmitted infections. The Kansas healthy youth act is just that.

As a health care provider, Planned Parenthood knows firsthand the power of education to help young people make responsible decisions about their health, and we believe in comprehensive sex education because there is considerable scientific evidence that it is effective. Research shows comprehensive sex education—programs that are age-appropriate, medically accurate and teach about abstinence and contraception—helps young people postpone intercourse, reduce the frequency of sexual intercourse, reduce the number of sexual partners, and increase the use of condoms and other forms of contraception (Kirby, D., *Emerging Answers: Research Findings on Programs to Reduce Teen Pregnancy*, 2007).

To grow into healthy adults, young people need skills and information to help them delay sexual activity and to protect themselves when they do become sexually active. That is why PPKM encourages members of this committee to support SB68

Thank you.



Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

Testimony of Thomas Witt, Chair, Kansas Equality Coalition
Senate Committee on Education
In Support of SB68
February 16, 2011

Good morning Madame Chair and members of the committee. I am here today to speak in support of SB68, and I thank you for the opportunity to do so.

My name is Thomas Witt. I am Chair of the Kansas Equality Coalition, which works to eliminate discrimination based on sexual orientation and gender identity. In the five years since we formed, we have organized eleven chapters around the state and have nearly 2000 members.

In 2006, a coalition of Kansas organizations, many of whom are also conferees today in support of SB68, supported an earlier version of this bill. That year, this committee recommended SB508 for passage. After winning passage in the Senate, SB508 failed in the House by six votes.

In 2009, the '06 coalition reformed and re-introduced a slightly updated version of the earlier effort. HB2184 was given a hearing by the House Committee on Education, but was never worked, even though we believe a majority of committee members supported that bill. Indeed, we believe a majority of House members would have voted for passage had HB2184 made it out of committee.

This year's bill is again somewhat updated from our earlier attempts on this subject. While other conferees today will talk about the health and welfare of Kansas youth, and how important comprehensive, age-appropriate instruction is to our children, I am going to focus on a single aspect of today's proposed legislation.

Page 1, line 36 of the bill states:

(e) Each board of education shall implement, administer and ensure compliance with the revisions of this section by school year 2017-2018, or as curricular materials are purchased or replaced as part of such district's textbook acquisition policy.

This language is a major departure from previous versions, in which Kansas school districts would have been mandated to update their curriculum on the effective date of the bill. We realize there are legitimate questions and concerns about the costs imposed on districts, and now propose that school districts implement this policy in their regular cycle of materials replacement. This strategy will cost districts nothing more than they would have otherwise spent, and gives them the flexibility to schedule their purchases in a way that keeps them within the normal budgeting cycle.

I urge you to support this legislation, and thank you for your time and attention. I would be happy to take questions or to provide further information.

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Attachment 3



Our mission is to end discrimination based on sex, orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

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Testimony of Travis Barnhart
Chair, Topeka Chapter, Kansas Equality Coalition
Senate Committee on Education
February 8, 2011
Testimony in Support of SB68

Good afternoon Madam Chairwoman and committee members. My name is Travis Barnhart, chair of the Topeka chapter of the Kansas Equality Coalition. I am providing testimony in support of Senate Bill 68, the Kansas Healthy Youth Act, and will provide you with an overview of why I believe establishment of this act is a wise decision based on my professional experiences as an HIV prevention and sex education provider.

To begin, let me give you some background on my professional life. In 1996 my older brother tested positive for HIV and, in my desire to do something to keep other people from getting HIV, I began volunteering at an HIV service organization in 1999. That volunteer opportunity soon turned into an employment opportunity working with high risk youth to prevent HIV. Four years later I graduated from Washburn with a social work degree and moved on to other job opportunities within the social services field. During the last twelve years I have worked in adoptions and foster care, with homeless and runaway youth, as a youth substance abuse prevention specialist, in various HIV services, and as a sexual health educator. In almost every position I have worked in, especially with youth, I've found that my background in sexual health education has proved invaluable. There is a vast amount of misinformation floating around and I know comprehensive sex education can help clear up a lot of this misinformation.

I'd like to share some of the misinformation I've heard over the years – in places such as Job Corps health classes and educational sessions with teens in homeless shelters. Here are three myths I've encountered in recent years:

1. *"A girl can get pregnant from giving a guy oral sex."* A teen girl once said this to me, and she was serious. When I asked her to explain, she said that babies grow in your belly, so if you swallow semen you could get pregnant, right? She wasn't joking, and she clearly had little to no understanding of basic sexual anatomy.
2. *"If I drink a bunch of Mountain Dew, I can't get a girl pregnant."* This is probably the number one myth I heard as a sex educator. A study came out at some point showing that the food coloring used in Mountain Dew causes some men to have lower sperm counts; hence, some boys think that if they drink enough Mountain Dew they can have sex without a condom and not get a girl pregnant.
3. *"I heard condoms have big holes in them and don't work."* Sadly, though this myth has been proven incorrect by scientific studies on the effectiveness of condoms, both youth and adults still perpetuate this myth widely. Even though condoms are up to 98%

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effective in preventing pregnancy and are also highly effective in preventing STDs, the myth persists.

These myths don't just result in giggles in the classroom and idle thoughts in youthful minds. The statistics regarding adolescent sexual health in the United States are grim. Please refer to the Guttmacher Institute's *Facts on American Teens' Sexual and Reproductive Health* for the following statistics and more:

- "Young people aged 13-24 made up about 17% of all those who received a diagnosis of HIV/AIDS in 2008." p. 2 under "STIs"
- "Although 15-24-year-olds represent only one-quarter of the sexually active population, they account for nearly half (9.1 million) of the 18.9 million new cases of STIs each year." p.2 under "STIs"
- "Eighty-two percent of teen pregnancies are unplanned; they account for about one-fifth of all unintended pregnancies annually." p.3 under "Pregnancy"

There is a particular concern for how abstinence-only-until-marriage programs have a devastating impact on high risk youth, particularly lesbian, gay, bisexual and transgender (lgbt) youth. Imagine being in a classroom where you are told that you should wait until you are married to have sex but you have no legal options to marry who you are really attracted to in the state you live in – for example, in a state such as Kansas. Your options are pretty limited if you want to stay true to what you are taught in an abstinence program – either stay abstinent your whole life because you can't legally marry, or chose to live a lie by marrying someone you're not really attracted to – either way what we're asking of lgbt youth who go through abstinence programs is not fair. Ultimately the messages lgbt youth receive in abstinence programs can lead to a lower sense of self-worth and low self-esteem. Many health outcomes for lgbt youth are already pretty dire; forcing lgbt youth through abstinence-only programs only perpetuates an even more negative future for these youth. Some of these negative health outcomes include:

- LGBT youth across all races and genders show an increased risk for being bullied in school, dropping out of school, attempting suicide, engaging in substance use, and engaging in risky sexual behaviors.
- According to the Centers for Disease Control (CDC), in gay and bisexual males HIV infection rates continue to increase. Within the African American and Latino men who have men (MSM) demographics, young MSM (ages 13-24) account for the highest percentage of new HIV cases. Rates among young White MSM also continue to increase.

It is my professional opinion that offering comprehensive sex education as laid out in this bill can help not only clear up the sexual myths that persist among our youth, but also improve the sexual and reproductive health outcomes for our youth as well. I hope the information I've included as attachments to my testimony will provide you with clear evidence that Kansas can greatly benefit from comprehensive sex education. Here's a brief overview of what I've included:

- Fact sheets from SIECUS – The Sexual Information and Education Council of the United States. I've included fact sheets that show the effectiveness of comprehensive sex

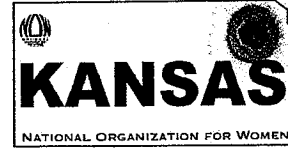
education and how it is supported by parents and voters across the spectrum. Additionally I've include fact sheets that show the shortcomings of Abstinence-Only-Until-Marriage Programs and evidence that shows that these programs often perpetuate myths and misconceptions about sex.

- From the Guttmacher Institute I've included facts about teen sexual and reproductive health (as mentioned earlier) and an overview of other states' policies in regards to sex and HIV education. As you can see from the states' policies overview, Kansas would be in line with many other states by adopting comprehensive sex education.

Thank you for the opportunity to testify today on behalf of the Kansas Healthy Youth Act. I am willing to stand for questions.

Kansas NOW
Amber Versola, Lobbyist
Phone (785) 979-1733
lobbyist@ksnow.org

PO BOX 1860
Wichita, KS 67201



2/16/11

TO: KS Senate Education Committee

FR: Amber Versola, Lobbyist - Kansas National Organization for Women

RE: PROPONENT OF SB 68

Kansas NOW strongly supports the Kansas Healthy Youth Act (SB 68). We believe that it would be in the best interest of our young women and men to acquire a comprehensive education in regards to health and human sexuality. The bill simply mandates that our students receive "age appropriate and medically factual instruction" by trained professionals. Teaching our youth the truth about their health and providing them with accurate information is a concept that many parents can agree on.

This bill provides ample time for schools to come into compliance with the act (the 2017 – 2018 school year). This legislation also states that parents are notified of the instruction, the curriculum is available to view online and that program materials be shown upon request. If for some reason, a parent or guardian objects to this legislation, this bill also allows them to opt their student out of the program with any negative consequences.

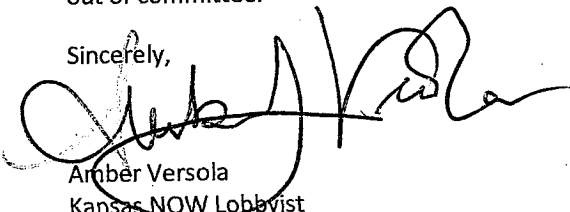
There is great need for comprehensive approach to health and human sexuality education in our society. Three recent Guttmacher studies found that:

- One in three teens currently get no education about birth control at all, and of those who do, many do not get it when they need it most—before they start to have sex.
- Improved contraceptive use and use of more effective birth control methods—not teens abstaining from sex—are responsible for 86% of the recent declines in teen pregnancy.
- More than nine in 10 Americans have sex before marriage, and have done so for generations.

According to Advocates for Youth, US teens (under 25) contract 9.1 million sexually transmitted infections yearly. Advocates for Youth also attest that "Behavioral outcomes (of comprehensive sex education) have included delaying the initiation of sex as well as reducing the frequency of sex, the number of new partners, and the incidence of unprotected sex, and/or increasing the use of condoms and contraception among sexually active participants."

Kansas NOW believes that there is enough compelling evidence available that demonstrates the importance of comprehensive sex education mandates, such as the bill that is before you. We ask that you favorably vote SB 68 out of committee.

Sincerely,


Amber Versola
Kansas NOW Lobbyist

Senate Education
2-16-11
Attachment 5



MainStream Coalition
5960 Dearborn Street, #213
Mission, Kansas 66202-9905

★ MODERATE ALLIANCE OF INFORMED NEIGHBORS ★

913-649-3326 • www.mainstreamcoalition.org

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Executive Director

MainStream Coalition

boo@mainvoice.org

Thank you to the members of the Senate Education Committee for the opportunity to express enthusiastic support of Senate Bill 68, the *Kansas Healthy Youth Act*, on behalf of the MainStream Coalition's Board of Directors and members. A nonpartisan organization founded in Johnson County in 1993, as the Moderate Alliance of Informed Neighbors, the MainStream Coalition continues to be an active, nonpartisan advocate for moderate principles and public policies. On behalf of our over 2,500 members across the state, we urge you to vote for the *Kansas Healthy Youth Act*.

The MainStream Coalition is made up of moderate voters who do not agree on every issue. As such, the MainStream Coalition is not an organization where there is consensus across the board about every issue. In fact, on the many facets and areas of reproductive health care, we are not of one mind. As such and as moderates, we believe that people of good will may disagree about the complexities and the issues that are too often boiled down to rhetorical phrases like "pro-life" or "pro-choice." In fact, for this very reason, our political action committee endorses moderate candidates of both parties, some of whom are considered by the pundits to be "pro-choice," while others are more often described as "pro-life."

There is, however, organizational consensus that medically accurate, age-appropriate sex education in our public schools is not something to be feared or ridiculed. Equipping Kansas young people with accurate information, something that also has been shown to reduce the number of unintended and/or unwanted pregnancies, is one reasonable, common sense approach to public health issue that impacts all of us.

The MainStream Coalition thanks you for your willingness to serve in public office and to debate this and other complex public policy matters. It is our strong hope that you will support SB 68.

Senate Education
2-16-11
Attachment 6

**KANSAS
ASSOCIATION**



**OF
SCHOOL
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1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony before the
Senate Committee on Education
on

Testimony on **SB 68** – Creating the Kansas Health Youth Act

by

Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

February 16, 2011

Madam Chairman, Members of the Committee,

Thank you for the opportunity to present testimony on **SB 68**. The bill requires each board of education to provide a comprehensive education program in human sexuality, which emphasizes the benefits of abstinence while including information about sexually transmitted infections, pregnancy prevention, healthy relationships, human maturation and healthy decision making; and sets specific requirements on content and programs.

KASB appears in opposition to this bill for the following reasons.

First, we have consistently opposed placing curriculum requirements in state statute. While it is appropriate for the state to set basic requirements for the school curriculum and to provide assessments of student learning, we oppose specific curriculum mandates. The Kansas constitution gives local school boards, elected by and accountable to their community, the duty to manage public schools under the “general supervision” of the Kansas State Board of Education. Nothing in the Constitution provides for the Legislature to mandate specific course content and teaching. In some cases, there may be a compelling reason for state involvement. Our members, who are directly elected to manage public schools, have given KASB no indication they believe this bill falls into that category.

Second, our members have specifically voted to oppose new state mandates at a time when current requirements are underfunded or zero funded. Legislators have consistently asked what educational requirements could be repealed as schools try to do more with less. The first step would be to stop adding more to do.

In fact, we believe most districts have already implemented human sexuality programs along the lines suggested in this bill. However, we do not believe this is the time to adopt new requirements or restrict district options. Finally, we believe the ability of boards to adopt different approaches to problems is one of the strengths of our system of local control.

Thank you for your consideration.

Senate Education
2-16-11
Attachment 7



Kansas City, Kansas Public Schools

Unified School District No. 500

SENATE EDUCATION COMMITTEE

SB 68

February 16, 2011

Mr. Chairman, Members of the Committee:

For many years, the Kansas City, Kansas Public School District has opposed mandates from the state dealing with curriculum. SB 68 would, in fact, mandate a curriculum offering on human sexuality in every USD in the state.

We would, however, support efforts by the Kansas Department of Education to provide additional materials to districts that choose to incorporate age appropriate lessons on human sexuality into a district's existing curriculum. We cannot, however, support a new curriculum mandate. We view all new unfunded curriculum mandates imposed by the Legislature as an egregious assault on local control.

Therefore, we respectfully request the Senate Education Committee to oppose the passage of SB 68.

Bill Reardon, KCKPS Lobbyist

*Senate Education
2-16-11
Attachment 8*

SENATE BILL No. 69
Senate Committee on Education
February 16, 2011

PROPONENT

Chairperson Schodorf and Members of the Committee:

I am Kathryn Wood, Child and Youth Projects Team Leader for the Kansas Coalition Against Sexual and Domestic Violence (KCSDV). KCSDV is a statewide non-profit organization whose membership is the 29 domestic violence and sexual assault programs serving victims across Kansas. KCSDV provides statewide technical assistance and training on issues related to dating violence, sexual and domestic violence, and stalking, and will support SB 69 through its implementation by providing any necessary technical assistance on the development of policies and training that address dating violence within Kansas schools.

Dating violence among youth and adolescents occurs at alarming rates, and often within school settings and at school-related functions. Studies estimate that one in three adolescents in the United States is a victim of physical, emotional, or verbal abuse from a dating partner – a figure that far exceeds victimization rates for other types of violence affecting youth. Nearly half of teens who experience dating violence report that incidents of abuse take place in a school building or on school grounds. The repercussions of dating violence are impossible to ignore – they hurt not just the young people victimized but also their families, friends, schools, and our communities.

School settings also present a unique set of circumstances that can threaten the physical and emotional safety of children and youth who are victimized by dating violence. The coordination of class schedules, the routine walk to class between periods, school functions, and other social events are just a few of the many complicated challenges that youth victims and their families currently have to navigate without the support of school policies. Dating violence has also been shown to have negative impacts on students' performance at school, leading to higher levels of truancy, more negative contact with their teachers, and increased conflict with other students.

Additionally, young people who perpetrate dating violence have been found to carry abusive patterns into future relationships. Early intervention and prevention efforts with children and youth are successful in reducing adult sexual and domestic violence. In 2009, Kansas had an 84 percent increase in adult domestic violence-related murders. Kansas cannot afford to ignore the reality of the dating violence that occurs within our schools, and must send a clear message to students, families, and communities that dating violence is harmful and will not be tolerated. Policies and training that address how to recognize, respond to, and prevent dating violence within schools are necessary components for a comprehensive approach to keeping Kansas children and youth safe.



Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

Testimony of Thomas Witt, Chair, Kansas Equality Coalition
Senate Committee on Education
In Support of SB69
February 16, 2011

Good morning Madame Chair and members of the committee. I am here today to speak in support of SB69, and I thank you for the opportunity to do so.

My name is Thomas Witt. I am Chair of the Kansas Equality Coalition, which works to eliminate discrimination based on sexual orientation and gender identity. In the five years since we formed, we have organized eleven chapters around the state and have nearly 2000 members.

In 2007, this committee heard testimony, and ultimately recommended for passage, the original version of Kansas' anti-bullying statute, now KSA 72-8256. In 2008, you recommended for passage an amendment to the original statute to include "cyberbullying."

Quoting from my 2007 testimony on what was then HB2310:

"HB2310 is not a perfect bill. There are no enforcement provisions, no requirements for data collection, and no way to measure the effectiveness of any anti-bullying programs adopted by the local districts. It's a good start, though, and will give parents and communities the tools they need to hold school districts accountable for protecting the students in their care."

It turns out my testimony four years ago was somewhat prescient. The lack of reporting and enforcement provisions in the original statute have made it nearly impossible to determine if school districts are in compliance, and what form that compliance has taken. Without any standards for implementation, and no accountability, parents, the State Department of Education, and this body have no way of knowing if school districts are taking the steps necessary to eliminate bullying in our schools.

As this committee is probably aware, there's a high incidence of bullying of gay and lesbian teens, which all too often ends in the tragedy of suicide. The Equality Coalition's interest in this issue stems in large part from our concern for this type of bullying. Over the past several months, volunteers from some of our chapters have been researching the bullying policies and implementation plans enacted by Kansas school districts. While our research is not complete, we believe we have learned much from the work we've done so far.

One of today's proponents is Eric Rovenstine, a member of our Wichita chapter. Eric is one of the volunteers who has been working on tracking district compliance. Briefly, however, I will tell you that many school districts in Kansas, particularly smaller districts, do not have anti-bullying policies or implementation plans available for inspection. Indeed, we believe that some of the districts may not have implementation plans at all, and that all they have done in the four years since this statute became effective was to adopt the bare-bones boilerplate policy provided by Kansas Association of School Boards.

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The Equality Coalition is not the only Kansas organization that has concerns about compliance with KSA 72-8256. In recent months, members of the Kansas State Board of Education have also raised the issue of tracking and accountability in the enforcement of these policies. The recent spate of teen suicides is of grave concern to us all.

On page 2, line 11 of SB69, you'll see new language added to the requirement that school districts adopt and implement anti-bullying plans; we are proposing that those plans be kept on file with the Kansas State Department of Education.

We're not asking for a large fix to the statute. On the contrary, the Equality Coalition's members, like all Kansans, share this body's concern about expensive mandates in a time of budget deficits and necessary austerity. Our proposal is what we believe is a *minimal* approach to legislative relief, and one that can be accomplished with little or no cost to Kansas school districts or to the State. (Please note: the language dealing with teen dating violence was requested by one of our allied organizations, and will be addressed by other conferees.)

I thank you for your time and attention. I would be happy to take questions or to provide further information.



Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

Testimony of Eric Rovenstine
Kansas Equality Coalition
Senate Committee on Education
February 16, 2011
Testimony in Support of SB69

Good afternoon Madam Chairwoman and committee members. My name is Eric Rovenstine, a member and volunteer with the Wichita and Sedgwick County chapter of the Kansas Equality Coalition. I am providing testimony in support of Senate Bill 69, which will amend KSA 72-8256 to require school districts to file their anti-bullying implementation plans with the Kansas State Board of Education.

At the beginning of this year, I started to research Wichita area school districts' policies addressing bullying, harassment, and discrimination. After careful review of the law, I began researching expecting that information/policies had been executed fairly uniformly. Not long into the process it became clear that there is no single source, and no common BOE method to finding each District's policies.

Using the internet, I had a fair amount of success in finding some school's policies; however locating each one was a challenge. Basic different sources in order of success:

- Locate the district's web site, then follow a link to their high schools' web site where you may find an online copy of their Student Handbook. This could be anywhere, buried deep in the website under links of all different titles.
 - 22 of the 45 school districts in the Wichita area did not have this information available when I began research.
 - Even with most schools in this area providing their policies online, they failed to make a clear definition of what bullying is, and NONE listed disciplinary action (few offered confidential reporting).

If no success then...

- Try to locate the actual BOE's Policy Records Online.
 - This becomes impossible as most districts offer little more than a candid photo of their board.
 - One example is a district that is still reflecting their policies adopted as of 10/17/1996, with the new policy title written in, by hand, to the table of contents, but not included in the document.

*Senate Education
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Attachment 11*

still no success....

- It's probably a rural district, and can only Call the District office to inquire directly.
 - The person answering the district phone was often unable to assist except to let me leave a voice-message for a board member.
 - Then they referred me to the School directly. The person at the school, often, referred me to the school counselor, if anybody.
 - They offered no answers to my questions, nor could they provide the policy documentation. All cases of contact by phone have yet to net results.

In the past six weeks, I have looked at nearly 100 school districts, and still found approx 1/5 of the Districts to offer no published policy, and no easy access to their implementation plans. If I'm having trouble finding this information, or even getting school officials to direct me to where it's published, I can't imagine what difficulty busy parents might have if one of their children are targeted by bullies.

I have talked to other volunteers in other Equality Coalition chapters who are conducting similar research of the districts in their areas, and they all report similar results. We've contemplated using Kansas Open Records Requests to get copies of district policies and implementation plans. However, not only would that be cost prohibitive, but we don't think it should be necessary to go to that length to acquire information that should be freely available and easily accessible.

I urge you to amend KSA 72-8256 to require school districts to file their implantation plans with the State Board of Education. You, the Board, and parents across Kansas need to know that the schools their children attend take the threat of bullying seriously, and have taken the required steps to address it.

Thank you for your time. I am available to stand for questions.

Testimony in favor of SB69
Committee on Education
Wednesday February 16th 2011 1:30 p.m.

My name is Brooke Taylor and as Miss Leavenworth County I am using my year to promote Education and Prevention of Teen Dating Abuse. It is imperative that community leaders recognize and support the victims of teen dating violence as **1 in 10 Kansas women have been victimized by domestic violence in the last year** (Docking Report 2007).

Teen dating violence is an urgent and silent epidemic. **One in three teens will experience violence in teen dating** and more than **two thirds of them will never report it** (loveisrespect.org). Adolescence is a time when teens learn how to make decisions about relationships with their friends, family, and girlfriends or boyfriends. But teens cannot do this alone; they look to community leaders, school faculty, and counselors to help with these decisions. What they learn now, and how they treat others, will affect relationships throughout their lifetime. Patterns of dating violence behavior often start early and carry into adulthood.

By officially recognizing teen dating violence as an act similar to bullying, we can help stop this vicious cycle. By providing information to teens about dating violence they will be more inclined to ask for help. This is important because we know that **3 out of 5 women in Kansas do not know where to go for help** (Docking Report 2007).

Thank you for your work on this important legislation. If you would like to discuss this further please feel free to contact me.

Sincerely,



Brooke Taylor
Miss Leavenworth County 2011

Senate Education
2-16-11
Attachment 12

KANSAS
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1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony before the
Senate Committee on Education
on

Testimony on **SB 69** – Policies Against Dating Violence

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

February 16, 2011

Madam Chairman, Members of the Committee,

Thank you for the opportunity to present testimony on **SB 69**. This bill would require school districts adopt policies and plans against dating violence as part of their policies and programs against bullying. Such plans would also now have to be filed with the Kansas State Board of Education, although what the State Board will do is unclear.

KASB appears today as neutral on this issue because we believe the issues raised in this bill are already substantially addressed in current language regarding bullying. KASB has been active since that law was passed in assisting our members in addressing problems with bullying and harassment through seminars, publications, professional development programs and legal assistance.

However, we would stress that our members have specifically voted to oppose new state mandates at a time when current requirements are underfunded or zero funded, not because we oppose the goals of proposals like **SB 69**, but because we are working so hard on the challenges our schools have already been given, from meeting Adequate Yearly Progress to raising graduation rates, from improving special education to making our schools safer, from complying with new healthy nutrition guidelines to fighting cyber-bullying by students away from school, on their computers in their own homes. We believe districts can accomplish the goals of this bill with relatively little additional costs, but the more we are expected to do, the more difficult it will be.

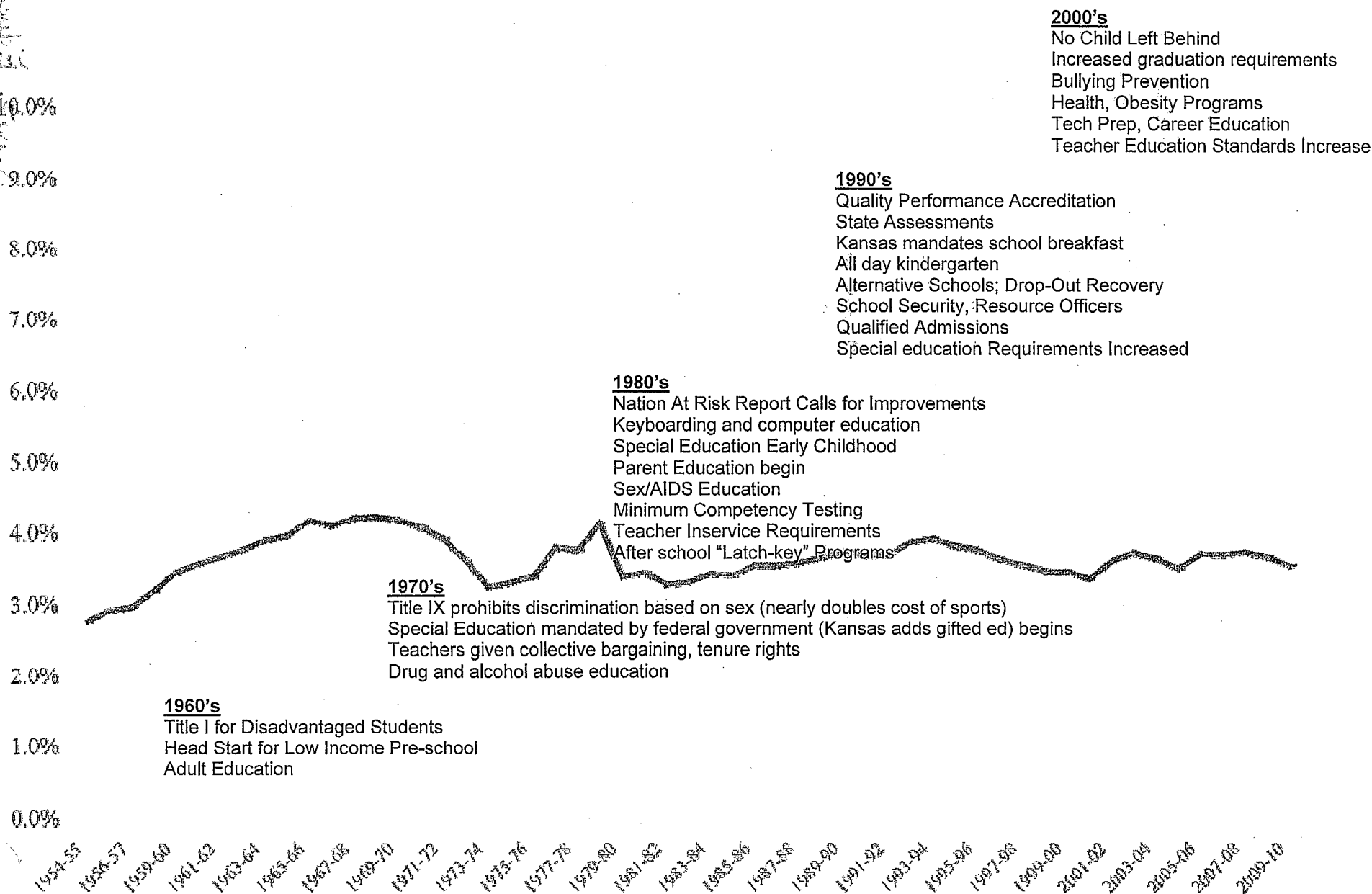
This bill is another example of the fact that despite all the concern over government getting too big, spending too much and being too involved in our lives, we seem to turn to government – in this case the public schools – to solve problems the school system didn't create and have little to do with its primary mission.

I have attached a chart showing a sample of the additional responsibilities the Legislature and State Board, the federal government and society at large has placed on schools over the past 50 years – and I haven't shown anything taken away because there really hasn't been anything. No wonder the cost of education has gone up. Yet compared to total state personal income, Kansans are spending less on our public schools than when I started school 45 years ago. No wonder schools struggle to meet every new educational and social expectation.

Thank you for your consideration.

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2-16-11
Attachment 13

Kansas School Expectations Increase While Funding Compared to Income Remains Flat





Kansas City, Kansas Public Schools

Unified School District No. 500

SENATE EDUCATION COMMITTEE

SB 69

February 16, 2011

Madam Chairperson, Members of the Committee:

While the Kansas City, Kansas District opposes new curriculum mandates, we do not consider the addition of language regarding 'dating violence' as a new mandate. We believe that the language in SB 69 describes a form of bullying and, therefore, is covered by current anti-bullying statutes. Consequently, we do not have the same concerns as were expressed in our testimony on SB 68.

We do feel, however, that 'date violence' is an issue that schools should address. Nevertheless, we feel that the intent of SB 69 could be achieved without a change in the bullying statute. Therefore, we are neutral regarding passage of SB 69.

Bill Reardon, KCKPS Lobbyist

*Senate Education
2-16-11
Attachment 14*



**Senate Education Committee
Senator Schodorf, Chair**

S.B. 69 – Dating Violence

*Submitted by Diane Gjerstad
Wichita Public Schools*

February 16, 2011

Madame Chair and members of the Committee:

The Wichita Public School District is committed to providing a safe, secure learning environment for students and staff. The safety of students is of upmost concern to staff, parents and our community. The district has been developing programs specific to bullying awareness and prevention since the mid 1990s. Over the years training and student programs have been revised to reflect the latest evidence based research from national organizations including the FBI, U.S. Attorney, and Secret Service. In 2002 the district mandated sexual harassment training, which includes all forms of bullying, for all staff and all students. Last school year the district partnered with Crime Stoppers in Schools to implement an anonymous reporting program using SMS text or a secure on-line web link to report any crime or safety concern. The district is working to keep up with the rapidly expanding communications methods used by our students.

Section 1 (1) defines bullying as “any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member....”. During training in the district bullying is defined as a purposely behavior intended to cause harm or distress, usually repeated over time, and “occurs in a relationship where there is an imbalance of power”.

The statute and our internal definition, which articulates the imbalance of power, are extensive enough to cover any school, employment, family or relationship circumstance. The bill would specifically single out dating violence and refers to “any person involved in intimate relationship”; however dating is dependent on each family’s norms and rules, cultural norms, and religious beliefs. Adding a specific component for dating and intimate relationships, when the current curriculum is already covering the broader area of relationships in any context, will cause some parents a great deal of discomfort and may result in opting to remove their student from this valuable training. Addressing the broader areas of healthy relationships, problem solving, anger management and empathy gives each student skills for a lifetime.

Madame Chair we believe the current statutory language is broad enough to cover any unhealthy relationship without developing a list in statute.

*Senate Education
2-16-11
Attachment 15*