

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. 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 with regard to **SB 69** also. He stated they believe the language in this bill regarding “dating violence” describes a form of bullying and, therefore, is covered by current anti-bullying statutes.

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Diane Gjerstad, USD #259, also appeared with neutral testimony 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.