MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator Blaylock, on February 19, 1993, at 1 p.m.

ROLL CALL

Members Present:

Sen. Chet Blaylock, Chair (D)
Sen. Harry Fritz, Vice Chair (D)
Sen. Bob Brown (R)
Sen. John Hertel (R)
Sen. Dennis Nathe (R)
Sen. Daryl Toews (R)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)
Sen. Bill Wilson (D)
Sen. Bill Yellowtail (D)

Members Excused: None

Members Absent: None

Staff Present: Eddye McClure, Legislative Council Sylvia Kinsey, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	SJR 23 HB 276
Executive Action:	SB 330 SJR 23

HEARING ON SENATE JOINT RESOLUTION 23

Opening Statement by Sponsor:

Senator David Rye, Senate District 47, Billings, said SJR 23 is an effort to put values as well as mechanics in the sex education courses in Montana.

Proponents' Testimony:

Senator Francis Koehnke, Senate District 16, Townsend, spoke in favor of this resolution. He was concerned about the teenagers

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who would not have to worry about being a teenage parent as well as the side effects of teenage sex.

Michael Stevenson, Ft. Harrison, Masters level Social Worker and parent, presented testimony to the committee. (exhibit 1)

Gary Swant, Deer Lodge, teaches biology and sex education as a part of the course submitted testimony. (Exhibit 2)

Erinn Michelle Beloate, Age 17, Deer Lodge, spoke in favor of the bill and handed in testimony. (exhibit 3)

Sharon Hoff, Montana Catholic Conference, said she appreciated the testimony from Ms. Beloate and the information teenagers could receive in her school. She said it was right that kids were looking for love as a way to strengthen their self esteem and with out the love they need they seek it in sexual encounters.

Opponents' Testimony:

Richard Chiotti, Director of AIDS Education Program and a health education specialist in the Health Enhancement Division of the OPI spoke in opposition to SJR 23 and gave written testimony (exhibit 4) and a booklet on AIDS.

Gail Gray, OPI, said they have no argument with the way the public Powell County High School has implemented their program but the OPI has always had the position that curriculum is a local right and responsibility, and on that basis the OPI does oppose Resolution 23.

Dale Taliaferro, Dept. of Health, said they agree abstinence should be the primary basis of any curriculum and like the OPI, they believe there is more than abstinence to be taught. (exhibit 5)

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Brown asked the OPI if their problem was solved in the title if the word "require" was deleted and the word "encourage" was inserted. Ms. Gray said the OPI, at this point, has the position of encouraging abstinence in sex education. The question is whether that is the only thing that should be taught. They do not mandate curriculum and believe that is the local responsibility.

Senator Brown pointed out that a Resolution is not binding, but thought perhaps passing this with the term "requiring" in the corresponding language in the body of the Resolution mandates

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curriculum. Mr. Chiotti said he felt the word "require" might be too strong, and people might think the OPI was going to adopt this policy.

Senator Brown said perhaps the whole bone of contention, since proponents and opponents seemed to agree on the content of the Resolution is simply whether it be required or encouraged.

Senator Rye said originally this was in the form of a bill and when the request was made to the Legislative Council, they were told it was unconstitutional and was put into Resolution form. It is an expression of the desire of the Legislature and what we hope will be the desire of OPI.

Senator Waterman asked if this Resolution is recommending that all public schools teach a sex education course and Senator Rye said just the schools that choose to teach sex education would teach a preference for abstinence.

Senator Blaylock referred to line 19 and 20 on page 2, (2), and said the word "require" is used. He asked if that is what the bill means. Senator Rye said no, he had noticed that himself, and it is not the way he had interpreted the bill. He said if the committee would choose to amend those lines he would have no objection.

Senator Rye closed by reminding the committee this had originally been a bill and was designated unconstitutional by the Legislative Council, so they opted to put in a Resolution instead. He gave some examples and said sex education in schools has to emphasize values as well as mechanics.

HEARING ON HOUSE BILL 276

Opening Statement by Sponsor: Representative Bob Gervais. House District 9, Browning, said this bill would revise the nepotism law in school districts. He pointed out that in small communities it is difficult to find enough people willing to accept trustee positions who are not related to a teacher. Many would refuse to be a trustee because it would force a teacher out of work if he/she was related.

Proponents' Testimony: Lee Clark, Superintendent, Browning Schools, spoke in favor of House Bill 276. He believed this bill will assist rural schools in hiring support staff. This does not affect the teaching staff as much as the support staff in a school district. He said five years ago they had five school board members resign because of the old nepotism law. In small communities it was necessary to put people into such things as coaching positions, extra curricular positions, bus drivers, cooks, custodians, etc. The law in it's current form has worked for the most part. It is usually left to the administrators and staff to do the interviewing and screening of applicants for support staff, and then the trustees choose from the top two or

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three. The law says 100% of the school board membership has to be present at the meeting when a person is hired who may be nepotized. All of the board members must vote in favor of hiring that person, and it is difficult to get 100% of the trustees present at all of the board meetings when hiring may be taking place.

Don Waldron Rural Education Association, said they had testified in favor of this bill in the House and telephone correspondence was positive.

Opponents' Testimony: Senator Blaylock told Mr. Clark that this is a pervasive issue that comes back time after time, mostly from our reservations, and yet he had Native Americans come from other areas of the state really bitter because one family has all the jobs. If we do not require 100% school trustee attendance at hiring, how much danger is there that we go back and have more problems in these communities where there is the expanded family relationships and we wind up with more nepotism. Mr. Clark said he did not believe there would be an excessive increase in that problem. He recalled that when this law was amended in the last Legislature, it was not the reservation schools that carried this so far as coming in to favor the bill, it was the rural schools that had the biggest impact on wanting this change. He told of the preference ratings, screening process, etc. and said recruitment now pretty much followed those recommended by the Labor Relations Law.

<u>**Closing by Sponsor</u>:** Representative Gervais said if the people who called in were having problems with this bill, he believed it was their own fault. There is a time period when it is advertised in the newspapers when people have a right to comment to the board. Instead of going through the Legislature, they can participate in the process locally, and that will do more to control the problem than anything else.</u>

EXECUTIVE ACTION ON SENATE BILL 330

Chair Blaylock explained to the committee that SB 330 should be reconsidered because the Motion to pass as amended did not apply since the last vote held open and cast caused the amendments to fail.

Motion/Vote: Senator Brown moved SB 330 be reconsidered. Motion CARRIED.

Discussion:

Senator Brown said since the bill is before us, perhaps if we took out on page 8, section 5, the subsection (2). He said when he made the motion to adopt the amendments he thought someone would make the motion to strike that subsection and had no problem with taking it out. His first motion would be to pass the Feb. 15 amendments, then he would make a second motion to remove that subsection. <u>Motion/Vote</u>: Senator Brown moved to AMEND SB 330 as per the February 15 amendments (exhibit 6). Motion CARRIED UNANIMOUSLY.

<u>Motion/Vote:</u> Senator Brown moved to AMEND SB 330, page 8, lines 16 through 21 (sub paragraph 2) of section 5 be deleted in their entirety. Motion CARRIED UNANIMOUSLY.

<u>Motion/Vote:</u> Senator Brown moved SB 330 DO PASS AS AMENDED. Motion CARRIED, Senators Fritz and Yellowtail voting no.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 23

Discussion: Senator Waterman said she had an amendment for SJR 23 which would change the title so that it matches the body of the bill and should say on line 6 "district boards of trustees require all public elementary schools, middle schools and high schools", delete the word "that" and continue "teach sex education and emphasize abstinence from sexual intercourse".

Senator Brown said that would be mandating curriculum, even though this is only a resolution. Senator Waterman said the body of the bill does that, and she felt there were some good points in this resolution.

Senator Nathe said he would second that motion. He said he had dealt a lot with the child support enforcement bureau trying to see that women get support payments for their children as well as health insurance.

Senator Stang said he would somewhat agree with Senator Nathe and Waterman, this would then require schools to teach sex education. He asked if we were going to fund it, make it part of the accreditation standards, and if so, do we have a right to do that. The only one who could include this in the accreditation would be the OPI or the Board of Public Education, and would we get into a law suit as we did with Special Ed.

Senator Waterman said what she was trying to say was that we "urge all Montana school trustees to teach a sex education course and emphasize abstinence.

Senator Blaylock said in listening to the testimony, he would ask what a six or seven year old needed to know about a condom. It says require all elementary, middle schools and high schools-what are you going to teach them in elementary.

Motion: Senator Yellowtail moved to AMEND SJR 23 (exhibit 7).

Discussion: Senator Yellowtail handed out copies of the bill with his proposed amendments (exhibit 7) and walked the committee through the changes in the exhibit. He said he would also strike "require" and insert "encourage". This would preserve the

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spirit of what Senator Rye wishes to do, which is to encourage the teaching of abstinence as the preference. It would clean up the bill so some of this unnecessary language is removed from the bill, and it would remove any suggestion that this Legislature is mandating that any school conduct any particular course of study.

Senator Waterman asked why (d), page 3, lines 16-18 was deleted. She said she believed that was one of the strongest parts of the bill. Senator Yellowtail said (d) was inconsistent with the title, in that this resolution relates to what should be taught in terms of abstinence. Abstinence is the point of this resolution and he did not believe laws that relate to children has anything to do with that. He said it was not very consistent with the spirit of the rest of the resolution, but if the committee felt strongly that (d) should be left in the bill, he would concede.

Senator Brown said a resolution is a statement of the Legislature, which in this case would be shared with the Boards of Trustees. He asked why strike everything from line 17-25 on page 1 and through 3 on page 2. Senator Yellowtail said that is the one that contains the language that would "require" a course on page 2 beginning with line 20. The language on line 17, page 1 through line 3, page 2 is just extra verbiage and he did not believe it was necessary.

<u>Amend amendment:</u> Senator Yellowtail amended his amendment by leaving page 3, lines 16 through 18 in the bill.

<u>Discussion</u>; Senator Stang asked that this motion be segregated because it would cause him to vote against the original motion.

Chair Blaylock said the question would be divided and a vote would be taken on the original motion.

<u>Vote</u>: The motion by Senator Yellowtail to amend SJR 23 (exhibit 7) CARRIED UNANIMOUSLY.

<u>Motion/Vote</u>: Senator Waterman moved leave the language on page 3, subsection (d) lines 16 through 18. Motion CARRIED, Senators Yellowtail, Wilson and Stang voting no.

Motion/Vote: Senator Brown moved SJR 23 AS AMENDED, DO PASS. Motion passed, Senator Stang voted no.

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ADJOURNMENT

Adjournment: 2:22 p.m.

Chif CHET BLAYLOCK, Chair SYLVIA Secretary

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ROLL CALL

SENATE COMMITTEE	EDUCATION	DATE	2/19/93
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	NAME	PRESENT	ABSENT	EXCUSED
	SENATOR BLAYLOCK, Chair	V.		
	SENATOR FRITZ, V.C.			
	SENATOR BROWN			
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	SENATOR TOEWS	\checkmark		
	SENATOR HERTEL			
	SENATOR WILSON	V		
	SENATOR WATERMAN	V		
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Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 3 February 20, 1993

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MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Bill No. 330 (first reading copy -- white), respectfully report that Senate Bill No. 330 be amended as follows and as so amended do pass.

Signed: Chil Blay bok Senator Chet Playlock, Chair

That such amendments read:

1. Title, lines 7 through 18.
Following: "CERTIFICATES;" on line 7
Strike: remainder of line 7 through "REPORT;" on line 18

2. Page 2, line 22. Following: "or" Insert: "or"

3. Page 3, lines 1 and 2. Following: "-" on line 1 Strike: "; or" Insert: "."

4. Page 3, line 2. Strike: subsection (i) in its entirety

5. Page 5, lines 2 through 5. Strike: subsection (3) in its entirety

Insert: "(3) (a) If the employment relationship between a school district and a teacher, administrator, or specialist is terminated or not renewed or if a teacher, administrator, or specialist resigns to prevent termination or nonrenewal because the trustees have reason to believe that the teacher, administrator, or specialist engaged in conduct described in subsection (1)(e) or (1)(f), the trustees shall make a written report to the superintendent of public instruction describing the circumstances of the termination, nonrenewal, or resignation.

(b) The superintendent shall review the report and may conduct further investigation. If the superintendent is satisfied that sufficient grounds exist, the superintendent may request action by the board of public education under subsection (1). The request must be brought within 1 year after discovery of the events that gave rise to the report.

(c) The trustees and the superintendent shall ensure the confidentiality of the report.

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Page 2 of 3 February 20, 1993

(d) The trustees and the superintendent and their agents and employees are immune from suit for actions taken in good faith under this section with respect to the report.

(4) The board shall give a 30-day written notification to any person when the board intends to consider the suspension or revocation of a certificate. The board shall conduct an investigation of the reasons for the suspension or revocation charge and then, if the investigation warrants further action, conduct a hearing in the manner provided by board policies. At the hearing, the board shall afford the person an opportunity for defense against the charge.

(5) After a hearing, the board may suspend or revoke the person's teacher or specialist certificate, except that in the case of a first violation under subsection (1)(g), the maximum penalty is a 2-year suspension of the person's certificate.

(6) Whenever the superintendent of public instruction denies the issuance or the renewal of a teacher or specialist certificate, the applicant may appeal the denial to the board of public education. The board shall hear the appeal in the same manner provided in this section for suspension or revocation and in accordance with the policies of the board. The decision of the board is final."

6. Page 5, line 6 through page 8, line 7. Strike: sections 2 through 4 in their entirety Renumber: subsequent sections

7. Page 8, lines 16 through 21. Strike: subsection (2) in its entirety Renumber: subsequent subsection

8. Page 8, line 23. Strike: "[section 4]" Insert: "20-4-110"

9. Page 9, line 24 through page 10, line 16. Strike: sections 7 and 8 in their entirety Renumber: subsequent sections

10. Page 10, line 18 through page 11, line 7.
Following: line 17
Strike: line 18 through "(3)" on page 11, line 7

ll. Page ll, line 8.
Strike: "[section 4]"
Insert: "20-4-110"

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l2. Page ll, lines ll and l4.
Following: "through"
Strike: "9"
Insert: "4"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 3 February 20, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Joint Resolution No. 23 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 23 be amended as follows and as so amended do pass.

Signed: /// Cher Blay

That such amendments read:

1. Title, line 6.
Following: "TO"
Strike: "REQUIRE"
Insert: "ENCOURAGE"

2. Title, line 8. Following: "TO" Insert: "CONTINUE TO"

3. Title, line 9. Following: "THE" Strike: "ONLY" Insert: "MOST"

4. Page 1, line 12.
Following: "WHEREAS,"
Strike: "there are"
Insert: "the existence of"
Following: "20"
Strike: remainder of line 12

5. Page 1, lines 13 and 14. Following: "diseases" Strike: remainder of line 13 through "annually" on line 14 Insert: "present a public health concern in Montana"

6. Page 1, lines 15 and 16. Following: "of" on line 15 Strike: remainder of line 15 through "staggering" on line 16 Insert: "these diseases and of the rate of teen pregnancy are a concern of the people of Montana"

7. Page 1, line 17 through page 2, line 3. Following: line 16 Strike: page 1, line 17 through page 2, line 3 in their entirey

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8. Page 2, lines 4 through 7. Following: "WHEREAS," on line 4 Strike: remainder of line 4 through "partner" on line 7 Insert: "abstinence from sexual intercourse is the most effective way to prevent teen pregnancy and the transmission of sexual diseases among our young people" 9. Page 2, line 8. Following: "that" Strike: "do not" 10. Page 2, lines 9 through 11. Following: "are" on line 9 Strike: "inconsistent with" Insert: "an important part of addressing" Following: line 9 Strike: line 10 through "other" Insert: "with teen pregnancy and" Following: "diseases" on line 11 Insert: "among teens" 11. Page 2, lines 17 and 18.
Following: "abstinence" on line 17 Strike: remainder of line 17 through "marriage" on line 18 Insert: "as the most effective method of preventing teen pregnancy and sexually transmitted diseases among our teens" 12. Page 2, line 19 through page 3, line 1. Strike: subsection (2) in its entirety Renumber: subsequent subsections 13. Page 3, line 5. Following: "(a)" Strike: "contain" Insert: "include" 14. Page 3, line 6. Following: "rates" Insert: ", including the theoretical and actual effectiveness rates," 15. Page 3, lines 7 through 9. Following: line 6 Strike: "condoms and other contraceptives" on line 7 Insert: "each contraceptive method" Following: "and" on line 7 Strike: line 8 through "other" on line 9

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16. Page 3, lines 10 and 11. Following: "(b)" on line 10 Strike: "stress that" Insert: "include information on Following: "diseases" on line 10 Strike: remainder of line 10 through "intercourse" on line 11 17. Page 3, line 12.
Following: "(c)" Strike: "include a discussion of" Insert: "discuss" Following: "the" Strike: "possible" 18. Page 3, line 13.
Following: "psychological" Strike: "consequences" Insert: "dimensions" Following: "of" Strike: remainder of line 13 19. Page 3, line 14. Following: "and" Strike: remainder of line 14 20. Page 3, lines 19 and 20. Following: "(e)" on line 19 Insert: "continue to" Following: "abstinence" Strike: remainder of line 19 through "of" on line 20 Insert: "," 21. Page 3, lines 21 through 23. Following: "others" on line 21 Strike: remainder of line 21 through "ones" on line 23 22. Page 4, line 1. Following: "Instruction," Insert: "and" 23. Page 4, line 2. Following: "superintendent" Strike: ", and to" Insert: "in the State of Montana with the request that the superintendent of each district distribute this resolution to"

-END-

SENATE EDUCATION

Chairman Chet Blaylock Education and Cultural Resources

EXHIBIT NO.____ DATE 2/19/93 BILL NO. STR 23

RE: FOR Senate Joint Resolution 23

We come to you today as parents of two daughters; age 10 and 12. We are in support of Senate Joint Resolution 23.

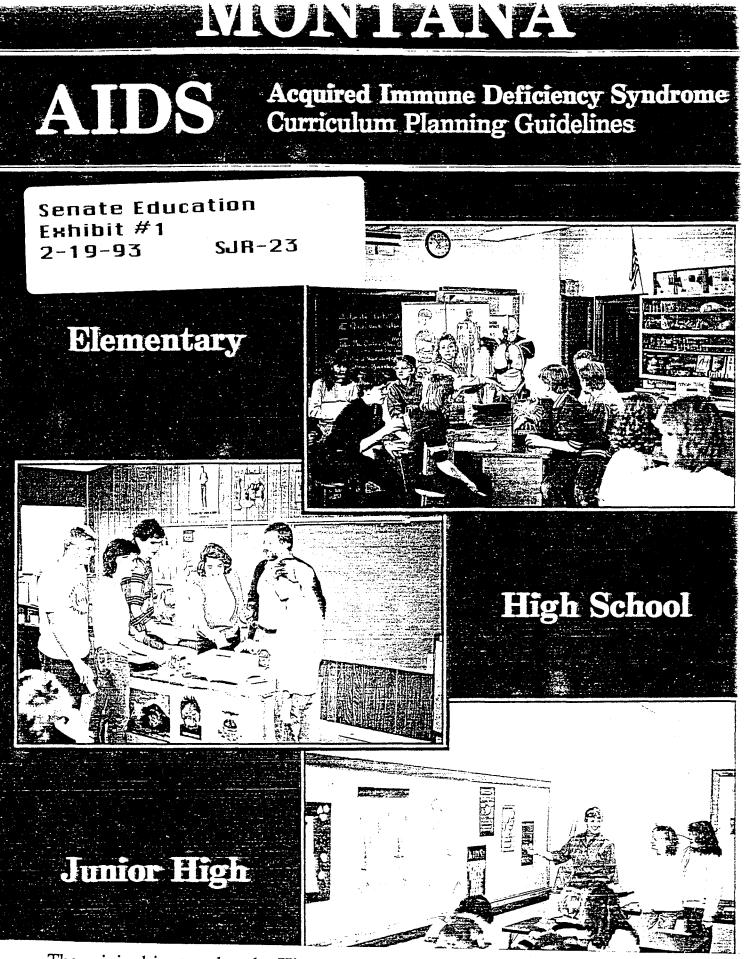
Children and youth are bombarded with many messages: one of which is "JUST SAY NO" to drugs and inappropriate touch. These are good messages that teach youth how to protect themselves. Yet, on the other hand they are told that concerning their sexual practices that they can engage in "SAFE SEX", all that they need is a condom. What are our children hearing? Maybe we should instruct our childern that it is best not to do drugs, (but since they will do it anyway), here is how to practise "SAFE DRUGS" or "SAFER DRUG USE". Of course this is ridiculous and those in the DARE Program see the folly in it. "JUST SAY NO" is the only safe alternative. We have seen our daughters make informed, responsible choices against drug use. The Dare Program, which promotes drug abstinence has had a positive influence. It is our hope that they would hear similar choices concerning their sexual practices as they reach young adulthood.

As parents we strongly urge you to support Senate Joint Resolution 23 for our daughter's sake, for your children's sake. Thank you.

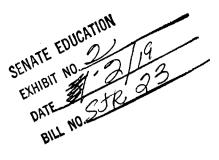
Michael Alwinan

Michael T. Stevenson, MSSA

Laura F. Stevenson PO Box 122 Ft. Harrison, Montana 59636



The original is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.



SENATE JOINT RESOLUTION

My name is Gary Swant and I want to speak in favor of the Joint Senate Resolution to require that Montana schools emphasize abstinence when teaching sex education.

I have taught biology at Powell County High School in Deer Lodge for 25 years and in my general biology course I teach a 5 to 6 week unit on human reproduction.

I have not always had my present attitude about sex education in the schools. About ten years ago I began to realize that the traditional way of teaching sex education was not working and I needed to do research into the subject. Since that research, I have taught abstinence only and the results have been very encouraging.

I might add that in the last year I have become so convinced that we are teaching sex education wrong that I spend the majority of my week-ends traveling to Montana communities to conduct rallies which I have entitled "Teens at Risk, Abstinence vs Safe-Sex". These rallies are for pre-teens, teens and parents. I have found overwhelming support for the position that I have taken.

Let me tell you what I found in my research. First of all schools which spend the most money on sex education have the highest rate of teen pregnancies and abortions. Idaho spends 55 percent of the national average on sex education and has 40 percent of the national average for teen pregnancies. California, on the other hand, spends 230% of the national average and has 140% of the national average for teen pregnancies.

The problem is that our approach is wrong. The United States bares the unfortunate distinction of having the highest adolescent pregnancy, abortion, and birth rate of any country in the developed world. We are assuming that high school students are formal thinkers, that they process data as adults do and can draw long term cause and effect consequences of their present behavior. As an educator I can tell you that the majority of students cannot. Let me give you an example of how they think. Think of driving on a slick highway and the difference between the way adults and teens would approach this problem. As an adult I might stop the car and get out and check for ice, a teen might accelerate to 90 and see if they slide. I had one girl tell me that she couldn't believe that she was pregnant, they only did it five or six times.

Written, and visual media glorify the fun, thrill and glamour of permissive sexual intercourse and never suggest that there are both physically and emotional risks. Believe me I have counseled many teens who thought that they were mature enough for sex, and found that they were not.

Typical sex education programs give a causal nod to abstinence and then go on to discuss safe sex, safer sex and condom use. What is the message of this approach? Students hear teachers tell them that they cannot really control their biological drives and will need to be instructed in the use of protection. Teens need the affirmation that they can be in control of their bodies.

How effective are condoms? Unfortunately, the literature varies, but the failure rate for pregnancy is 12-15% for adults and 20-30% for teens. These figures are for pregnancies which can only occur three days during a menstruational cycle. We know the rates are higher for STD's which can be contracted all 28 days. In addition, we predispose high school students to be sexually active when we teach condom use. Yet in my surveys, students responded with only 9 percent saying that they always use a condom and 18% indicating they never use one. You see teens can't see the cause effect relationships between sexual intercourse, 'STD's, self worth, sexual comparisons, parental relationships and bonded marriages on their own. They need adult help. The time between the two events is to long for them to make the connection.

Yesterday, I discussed the relationship between the HPV virus and cervical cancer with my students. Not one student had heard of HPV, much less that nearly all women with cervical cancer also have venereal warts. Wouldn't it be better to teach them to abstain, until they are formal processors and can make decisions based on good information rather than media stories and their own biological drives?

When we teach condom use and safe sex we not only sacrifice morality for safety, but we end up with neither one. I have had four former students die of AIDS that I am aware of, the answer is not condoms, but abstinence.

Let me quickly share with you the results of the survey that I took with my students this year. Time does not allow me to share all of this data at this time, but I would be more than glad to share more at a later date. Sixty-five percent of the students who come into my class are sexually active, 35% with one partner, 32% with three of more partners and 45% have had sex 10 or more times. Remember these kids are 15 and 16 years old. Fifty percent have experienced oral sex and 35% became active at age 14 with 32% at age 15, some begin as early as age 10. Eighty percent of sexual contact is in their own homes, without alcohol, and 50% of it takes place in the early evening.

Will student buy the message that sex is not in their best

Cenare concours Exhibit #2 2-19-93 SJR-23

interest? Doesn't the DARE program teach that drugs are not in their best interest? Let me quote from my students. One year after the reproduction unit, 70% of my students said that the information still has a great impact on how they think about sexual things, only 8% have become sexually active since the course, 9% have stopped, 33% have reduced their activity, 26% have remained virgin, and 25% continue as they did in the past. These are the students whose immediate response after the abstinence unit was, 72% of the sexually active students would quit and 92% of the non-sexually active students would not start.

This is only after one exposure to an abstimence based program. What if this is what we did at every appropriate level? I believe that all we have to do to solve this problem is change student attitudes. Remember when is was cute to see a drunk get in a car and drive off. Well someone got MADD and it is no longer cute. If we can begin to show students that it is not in their best interest to be sexually active and students tell other students, especially younger ones, we could begin to see the tide turn.

 Wouldn't we be better off with teens who were abstiment rather than practicing safe sex which is only partially safe physically and emotionally exploitive.?

I know that this only a resolution, but it would be correct and courageous if this legislative body would decide that this issue is so important that they put into place a method to teach teachers how to get this message across to Montana's youth.

Let me add one last thought. What I have described is what Montana parents want for their children. How do I know? I invite the parents of my students to an evening session to explain my reproductive unit. I have never had a parent express disappointment that I only teach abstinence. Many parents have expressed to me the long term consequences and regrets they have experienced because of their own permissive sexuality as teens. Parents truly want to spare their children these heartaches.

This is the Senate's opportunity to stop the cycle that has for so long blocked our young people from reaching their full potential in health, marriage, and long term success.

> Gary D. Swant 113 North Frontage Deer Lodge, MT 59722 (406) 846–2451

'There Is No Safe Sex'

BY ROBERT C. NOBLE

he other night on the evening news, there was a piece about condoms. Someone wanted to provide free condoms to high-school students. A perky, fresh-faced teenage girl interviewed said everyone her age was having sex, so what was the big deal about giving out condoms? Her principal replied that giving out condoms set a bad example. Then two experts commented. One was a lady who sat very straight in her chair, white hair in a tight perm, and, in a prudish voice, declared that condoms didn't work very well; teenagers shouldn't be having sex anyway. The other expert, a young, attractive woman, said that since teenagers were sexually active, they shouldn't be denied the protection that condoms afforded. I found myself agreeing with the prude. | nence and sexual intercourse with one mutually faithful

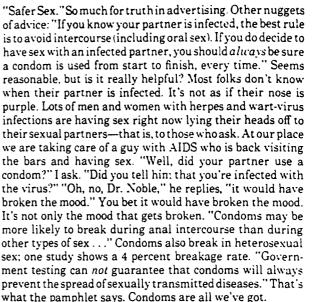
What do I know about all this? I'm an infectious-diseases physician and an AIDS doctor to the poor. Passing out condoms to teenagers is like issuing them squirt guns for a fouralarm blaze. Condoms just don't hack it. We should stop kidding ourselves.

I'm taking care of a 21year-old boy with AIDS. He could have been the model for Donatello's David, an-

drogynous, deep blue eyes, long blond hair, as sweet and gentle as he can be. His mom's in shock. He called her the other day and gave her two messages. I'm gay. I've got AIDS. His lover looks like a fellow you'd see in Sunday school; he works in a bank. He's had sex with only one person, my patient (his second partner), and they've been together for more than a year. These fellows aren't dummies. They read newspapers. You think condoms would have saved them?

Smart people don't wear condoms. I read a study about the sexual habits of college women. In 1975, 12 percent of college women used condoms when they had sexual intercourse. In 1989, the percentage had risen to only 41 percent. Why don't college women and their partners use condoms? They know about herpes. They know about genital warts and cervical cancer. All the public-health messages of the past 15 years have been sent, and only 41 percent of the college women use condoms. Maybe your brain has to be working to use one. In the heat of passion, the brain shuts down. You have to use a condom every time. Every time. That's hard to do.

I can't say I'm comforted reading a government pamphlet called "Condoms and Sexually Transmitted Diseases Especially AIDS." "Condoms are not 100 percent safe," it says, "but if used properly will reduce the risk of sexually transmitted diseases, including AIDS." Reduce the risk of a disease that is 100 percent fatal! That's all that's available between us and death? How much do condoms reduce the risk? They don't say. So much for Safe Sex. Safe Sex was a dumb idea anyway. I've noticed that the catchword now is



Nobody these days lobbies for abstinence, virginity or single lifetime sexual partners. That would be boring. Absti-

Condoms don't hack it. Passing them out to teenagers is futile.

uninfected partner are the only totally effective prevention strategies. That's from another recently published government report.

Media messages: What a 11 going to tell my daughters? I'm going to tell them that condoms give a false sense of security and that having sex is dangerous. Reducing the risk is not the same as eliminating the risk. My message will fly in the face of all other

media messages they receive. In the movie "The Tall Guy," a nurse goes to bed with the "Guy" character on their first date, boasting that she likes to get the sex thing out of the way at the beginning of the relationship. His roommate is a nymphomaniac who is always in bed with one or more men. This was supposed to be cute. "Pretty Woman" says you can find happiness with a prostitute. Who are the people that write this stuff? Have the '80s passed and everyone forgotten sexually transmitted diseases? Syphilis is on the rise. Gonorrhea is harder to treat and increasing among black teenagers and adults. Ectopic pregnancies and infertility from sexually transmitted diseases are mounting every year. Giving condoms to high-school kids isn't going to reverse all this.

That prim little old lady on TV had it right. Unmarried people shouldn't be having sex. Few people have the courage to say this publicly. In the context of our culture, they sound like cranks. Doctors can't fix most of the things you can catch out there. There's no cure for AIDS. There's no cure for herpesorgenital warts. Gonorrhea and chlamydial infection can ruin your chances of ever getting pregnant and can harm your baby if you do. That afternoon in the motel may leave you with an infection that you'll have to explain to your spouse. Your doctor can't cover up for you. Your spouse's lawyer may sue him if he tries. There is no safe sex. Condoms aren't going to make a dent in the sexual epidemics that we are facing. If the condom breaks, you may die.

Noble is a professor of medicine at the University of Kentucky College of Medicine, Lexington, Ky.



• 500,000 new cases of herpes occur annually⁹; it is estimated that 16.4% of the U.S. population ages 15-74 is infected, totaling more than 25 million Americans — among certain groups, the infection rate is as high as 60%.¹⁰

• 4 million cases of chlamydia occur annually¹¹; 10-30% of 15- to19-yearolds are infected.¹²

• There are now 24 million cases of human papilloma virus (HPV), with a higher prevalence among teens.¹³

To date, over 20 different and dangerous sexually transmitted diseases are rampant among the young. Add to that the problems associated with promiscuous behavior: infertility, abortions and infected newborns. The cost of this epidemic is staggering, both in human suffering and in expense to society; yet epidemiologists tell us we've only seen the beginning.

Incredibly, the "safe-sex" gurus and condom promoters who got us into this mess are still determining our policy regarding adolescent sexuality. Their ideas have failed, and it is time to rethink their bankrupt policies.

How long has it been since you've heard anyone tell teenagers why it is to *their* advantage to remain virgins until married? The facts are being withheld from them, with tragic consequences. Unless we come to terms with the sickness that stalks a generation of Americans, teen promiscuity will continue, and millions of kids... thinking they are protected... will suffer for the rest of their lives. Many will die of AIDS.

There is only one safe way to remain healthy in the midst of a sexual revolution. It is to abstain from intercourse until marriage, and then wed and be faithful to an uninfected partner. It is a concept that was widely endorsed in society until the 1960s. Since then, a "better idea" has come along . . . one that now threatens the entire human family.

Inevitable questions are raised whenever abstinence is proposed. It's time we gave some clear answers: Then we must recognize that there are other differences between pregnancy prevention and disease prevention. HIV is 1/25th the width of sperm,¹⁷ and can pass easily through even the smallest gaps in condoms. Researchers studying surgical gloves made out of latex, the same material in condoms, found "channels of 5 microns that penetrated the entire thickness of the glove."¹⁸ HIV measures .1 microns.¹⁹ Given these findings, what rational, informed person would trust his or her very life to such flimsy armor?

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This surely explains why not one of 800 sexologists at a conference a few years ago raised a hand when asked if they would trust a thin rubber sheath to protect them during intercourse with a known HIV-infected person.²⁰ Who could blame them? They're not crazy, after all. And yet they're perfectly willing to tell our kids that "safe sex" is within reach and that they can sleep around with impunity.

There is only one way to protect ourselves from the deadly diseases that lie in wait. It is abstinence before marriage, then marriage and mutual fidelity for life to an uninfected partner. Anything less is potentially suicidal.

That position is simply NOT realistic today. It's an unworkable solution: Kids will NOT implement it.

Some will. Some won't. It's still the only answer. But let's talk about an "unworkable solution" of the first order. Since 1970, the federal government has spent nearly \$3 billion to promote contraception and "safe sex." This year alone, 450 million of your tax dollars will go down that drain!21 (Compared with less than \$8 million for abstinence programs, which Sen. Teddy Kennedy and company have sought repeatedly to eliminate altogether.) Isn't it time we ask what we've gotten for our money? After 22 years and nearly \$3 billion, some 58 percent of teenage girls under 18 still did not use contraception during their first intercourse.²² Furthermore, teenagers tend to keep having unprotected

venereal disea. generation of v sex counselors and congressm

Having ma now threatens family, one we designers wou backtracking a for their misca Instead, they ca lobby Congres corporate Ame money. Given misinformatio: this subject, th probably get it

But if you a parent and your son or was having s you rather h condom?

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Data Sources: 1. Panela McDonnell, Sexually Transmitted Diseases Division, Centers for Disease Control, U.S. Dept. of Health & Human Services, Li., March 1 100 tested at UT has ADS virus," *Austin American Statesman*, July 14, 1991, p. A14; The federally funded study was based on a non-random sample. 3. "Heterosexual HIV T ISU tested at UT has ADS virus," *Austin American Statesman*, July 14, 1991, p. A14; The federally funded study was based on a non-random sample. 3. "Heterosexual HIV T Bids, McDonnell, CDC, HHS, Li, March 18, 1992, 7. STD/HIV Prevention, CDC, p. 13, 8 bid. 9. Dids, 10. Robert E. Johnson et al, "A Sercepidemiologic Survey of the Pre Type 2 Infection in the United States: *New England Journal of Medicine* 321 (July 6, 1989): 7-12, 11. *STD/HIV Prevention*, CDC, p. 13, 12, C. Kuehn and F. Judson, "How cinfections in adolescents?" *Clinical Practice Sexuality* 5 (1989): 19-25; as cited by Sandra D. Gorwald et al., "Profile: Adolescent ObGyn Patients at the University of Michiga Gwnecologic Health 5, (May/June 1991), 23, 13, Kay Stone, Sexually Transmitted Disease Division, Centers for Disease Control, U.S. Dept, of Health & Human Services, Li., and Jacqueline Daroch Forest, "Contraceptive Failure in the United States: Revised Estimates from the 1982 National Survey of Family Growth," *Family Planning Perspective* Bid, p. 105. 16. Lode Wigersma and Ron Oud, "Safety and Acceptability of Condoms for Use by Homosexual Men as a Prophylactic Against Transmission of HIV During An Medical Journal 295 (July 11, 1987); 29, 117. Marcin E, Goldsmith, "Sex in the Age of AIDS Calls for Common Sense and Condom Sense," *Journal of the American Medical* 2 20. Theresa Crenshaw, from remarks made at the National Conference on HIV, Washington, D.C., Nov. 15-18, 1991, 121. "Contom Rouleta," *Washington Wasc* 3 (Washington 20, Theresa Crenshaw, from remarks made at the National Conference on HIV, Washington, D.C., Nov. 15-18, 1991, p. 24. Planned Parenthood poll, "Amer 20, Theresa Crenshaw, from remarks made at the We are looking fore Love and you are handing us. Latex. -> case 1: Lhave a friend whose parents offered to get her birth control is on when she decided to have sex. she was 13 on 14 years old. She told me that this made her insecure: "I felt unloved"! Teenagers need to be told "no". -> case Z: H liend in a small town, a round the Hickline.

A friend in a small town a round the Highline. told me how her P.E. class had "safe sex" speaker in class one day. My Friend was a high school Sophomore. This man advocated oral sex using saran wrap to "protect the participants. My friend remered feeling" ashamed, embarrassed, and horrified." She was too shocked to even leave.

I have done a research paper on cusis pregnancy services and condoms. I found that » 79-81% of students at Powell County High School think condoms are very available or fairly available.

Schods must reinforce the students who recognize that we are not ready for sex. Adults cannot pat us on the back for being abstainent at the same time that you're patting the ones who are using a box of condoms anight on the back If a teenager is handed condoms and sexual activity ensues, then when that teenager does not have condoms they will have sex anyway.

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With all the MTV, magazine articles about sex, tapes and songs about sex, and media hype encouraging sex (safe" or otherwise) teenagers do not need extra pressure. Peer pressure alone (and hormones) give us enough recision to sleep around. We need a reason not to sleep around.

Let me reiterate: Teenagers are looking for love, and latex is not a replacement. We want your time and attention, not abox of condoms with directions. Itisn't fair to ignore us, hand us condoms, and tell us to find love and attention somewhere else.

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We need the human touch without sexual connotations.

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Mr. Chairman and members of the Committee, for the record my name is Richard Chiotti, director of the AIDS Education Program and a health education specialist in the Health Enhancement Division of the Office of Public Instruction. I offer this testimony in opposition to SJR23.

SJR23 intends to require all public schools that teach sex education to emphasize abstinence from sexual intercourse as the only effective protection against pregnancy or sexually transmitted diseases. While it is true that abstaining from sexual intercourse does prevent sexually transmitted diseases and pregnancy, the "abstinence only" approach of SJR23 limits the necessary health information and disease prevention message essential to assist school-aged youth in developing a healthy understanding about their sexuality so that they can make responsible and healthy decisions throughout their lives. Rather than the "abstinence only" approach, "abstinence-based" programs that are age-appropriate and contain accurate sexuality education provide support for postponing sexual behavior. This "abstinence-based" approach provided to schools by the Office of Public Instruction's curriculum guidelines contains the full recommendations of the U.S. Public Health Services' Centers for Disease Control in their Guidelines for Effective School Health Education to Prevent the Spread of AIDS (January 29, 1988).

These guidelines state that sexuality education should be developed with the active involvement of parents and should address the broad range of behavior exhibited by young people. Education programs should assure that young people acquire the knowledge and skills they will need to adopt and maintain types of behavior that can virtually eliminate the risks of infection with sexually transmitted diseases (STDs), including HIV infection, and of unintended pregnancy.

The guidelines further state that school systems should have health education programs available that enable and encourage young people who have not engaged in sexual intercourse to continue to abstain from sexual intercourse until they are ready to establish a mutually monogamous relationship within the context of marriage. For young people who have engaged in sexual intercourse, information given should enable and encourage them to make the healthy decision to stop engaging in activities that place them at risk for STDs and unintended pregnancy. For young people unable or unwilling to adopt behaviors that would virtually eliminate their risk of infection, education programs that address preventive types of behavior should be available. The 1991 Montana Youth Risk Behavior Survey shows that nearly twothirds of Montana ninth-graders have not engaged in sexual intercourse. Yet by the twelfth-grade, only one-third of Montana teens have continued to postpone the decision to have sexual intercourse. It is clear that Montana youth need more than an "abstinence only" message; they need "abstinence-based" programs that include effective strategies for reestablishing sexual abstinence as well as scientific and medically accurate information on preventive behaviors.

SJR23 would limit the ability of our schools and our public health agencies to educate our young people about life-long strategies to prevent infection with sexually transmitted diseases and unintended pregnancies.

Submitted February 19, 1993

SENATE EDUCATION	1	
EXHIBIT NO. 5		
DATE 2/19		

TESTIMONY (SJR 23) SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES February 19, 1993

In Montana 36.7% of all 9th grade students and 65.3% of all 12th grade students reported having had sexual intercourse. Major risks of early sexual activity include sexually transmitted diseases (STDs), including AIDS, and unwanted pregnancy. "STDs are a serious health problem among young adults, occurring in an estimated one-quarter of sexually active teens."

To be effective, intervention programs must take a comprehensive approach <u>including</u> telling teens that the only way to avoid STDs and unplanned pregnancy is to abstain from sex. But frank discussion about these problems should take place as part of an open value-free comprehensive health education program that includes information about the means to prevent pregnancy for those who will choose to be sexual.

Currently all elements listed in this resolution are part of a comprehensive sex education curriculum--abstinence, health risks, legal and emotional consequences, etc. This resolution, in emphasizing abstinence, is constructive, but could in its passage and distribution codify and justify <u>no choices</u> for prevention being offered to young people and <u>no support</u> for a positive and healthy concept of sexuality for themselves.

If we ignore the reality of teen sexual activity in Montana our prevention education efforts will fail. We need to take a comprehensive approach to solving our teen pregnancy and STD problems.

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Amendments to Senate Bill No. 330 First Reading Copy

EXHIBIT NO. Requested by Senator Brown For the Senate Committee on Education and Cultural Resources

> Prepared by Eddye McClure February 15, 1993

1. Title, lines 7 through 18. Following: "CERTIFICATES;" on line 7 Strike: remainder of line 7 through "REPORT;" on line 18

2. Page 2, line 22. Following: "or" Insert: "or"

SENATE EDUCATION

3. Page 3, lines 1 and 2. Following: "-" on line 1 Strike: "<u>; or</u>" Insert: "." Strike: on line 2 subsection (i) in its entirety

4. Page 5, lines 2 through 5.

Strike: subsection (3) in its entirety

Insert: "(3) (a) If the employment relationship between a school district and a teacher, administrator, or specialist is terminated or not renewed or if a teacher, administrator, or specialist resigns to prevent termination or nonrenewal because the trustees have reason to believe that the teacher, administrator, or specialist engaged in conduct described in subsection (1)(e) or (1)(f), the trustees shall make a written report to the superintendent of public instruction describing the circumstances of the termination, nonrenewal, or resignation.

(b) The superintendent shall review the report and may conduct further investigation. If the superintendent is satisfied that sufficient grounds exist, the superintendent may request action by the board of public education under subsection (1). The request must be brought within 1 year after discovery of the events that gave rise to the report.

(C) The trustees and the superintendent shall ensure the confidentiality of the report.

The trustees and the superintendent and their agents (d) and employees are immune from suit for actions taken in good faith under this section with respect to the report.

The board shall give a 30-day written notification to (4)any person when the board intends to consider the suspension or revocation of a certificate. The board shall conduct an investigation of the reasons for the suspension or revocation charge and then, if the investigation warrants further action, conduct a hearing in the manner provided by board policies. At the hearing, the board shall afford the person an opportunity for defense against the charge.

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(5) After a hearing, the board may suspend or revoke the person's teacher or specialist certificate, except that in the case of a first violation under subsection (1)(g), the maximum penalty is a 2-year suspension of the person's certificate.

(6) Whenever the superintendent of public instruction denies the issuance or the renewal of a teacher or specialist certificate, the applicant may appeal the denial to the board of public education. The board shall hear the appeal in the same manner provided in this section for suspension or revocation and in accordance with the policies of the board. The decision of the board is final."

5. Page 5, line 6 through page 8, line 7. Strike: sections 2 through 4 in their entirety Renumber: subsequent sections

6. Page 8, line 23.
Strike: "[section 4]"
Insert: "20-4-110"

7. Page 9, line 24 through page 10, line 16. Strike: sections 7 and 8 in their entirety Renumber: subsequent sections

8. Page 10, line 18 through page 11, line 7. Following: line 17 Strike: line 18 through "(3)" on page 11, line 7

9. Page 11, line 8. Strike: "[section 4]" Insert: "20-4-110"

10. Page 11, lines 11 and 14.
Following: "through"
Strike: "9"
Insert: "4"

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2/19/93 Educate DATE SENATE COMMITTEE ON 76 BILLS BEING HEARD TODAY:

Name	Representing	Bill No.	Check Support	One
Sary & Swant	myself	SJR23	~	
Erinn M. Beloate	myself	51R73	~	
haura bee Swant	self		\checkmark	
Lymin Spitnik	Chuckin Contenting mo	SJR23	/	
LEE CLARK	Browning Schools	HB274	V	
Michael Totevensor	felf	SJRZ	L	
Walcune	relf	STEDS	-	
DALE TALIAFERRO	DHES	SJR23		V
RILLE (HIOTTI	OPI	SJR 23		.1
Jesse Offara		5JR 23	-	
FrancisTochk	self	~	V	
Maggie Stuart	Family (4)	SJR23	\checkmark	
SHARON NOFF	MTCATHONIC CONT	SJR23	V	
Sail Shap -	OPL	557223		~

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY