



KANSAS

Kansas received \$1,760,378 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2005.¹

Kansas Sexuality Education Law and Policy

The Kansas Education Regulations require local boards of education to provide schools with a “comprehensive program in human sexuality, including information about sexually transmitted disease, especially acquired immune deficiency syndrome (AIDS).” This instruction does not have to include information about contraceptive methods. The regulation states that, “the provisions of this subsection shall not be construed as requiring, endorsing, or encouraging the establishment of school-based health clinics or the teaching of birth control methods.” The program must be taught at both the elementary and secondary levels by teachers who are certified in sexuality education. Kansas does not require schools to follow a specific curriculum; however, the Kansas Board of Education can suggest guidelines and limitations.

The Education Regulations also require local school boards to develop procedures by which parents or guardians can remove their children from any or all of these classes. This is referred to as an “opt-out” policy.

See Kansas Administrative Regulation 91-31-20(b).

Recent Legislation

Abstinence Plus Education Act Introduced

Senate Bill 508, introduced in February 2006 and referred to the Senate Committee on Education, would require each school district to provide a “comprehensive education program in human sexuality.” This would include teachers who have “appropriate academic preparation or in-service training to develop a basic knowledge of and sensitivity to the area of human sexuality.” All curricula and related materials would be factually and medically accurate as well as age appropriate.

Events of Note

Kansas Board of Education Deadlocks on Opt-In Policy

September 2005; KS

On September 13, 2005 the Kansas Board of Education was unable to agree on changes to its current sexuality education policy. The proposed change would have created a statewide opt-in policy. Under an opt-in policy, schools need permission from a parent before a student can attend a sexuality education class.

Most states and school districts have opt-out policies, which typically provide notification to parents on what will be taught in their child's sexuality education program, including what curricula is taught and who will be teaching the class. Such policies also allow parents or guardians to remove their children from sexuality education classes without penalty. Kansas currently has a statewide opt-out policy.

If the board were to adopt an opt-in policy, Kansas would be one of only four states that requires parental permission for sexuality education, along with Arizona, Nevada, and Utah.

Conservative board member John Bacon stated that he was not attempting to dictate what schools teach, just what they disclose to parents: "some of the things I have heard talked about are things I think most parents would take exception to."²

Cynthia Akagi, a Kansas University health education expert who chaired the committee in charge of recommending health standards for school, expressed frustration at the vote saying, "I wish the board would leave it to what's best for local districts."³ Akagi said that if the Kansas Board of Education recommends an opt-in policy, her committee will no longer support the changes and will take their name off the recommendations.⁴

Advocates in Kansas fear that social conservatives are attempting to eradicate sexuality education in the state. Sarah London, public policy manager at Planned Parenthood of Kansas and Mid-Missouri, explained, "there was some great concern about a move toward—as many of us see it—dismantling sex education."⁵

The current make-up of the board usually divides 6-4 on ideological lines with social-issue conservatives in the majority. This unusual stalemate resulted when one board member, who is typically aligned with the socially conservative majority, crossed boundaries because she favors leaving this choice up to local districts; the final vote was 5-5.

The school board was expected to hold another vote on the policy in October 2005.

Kansas Hate Group Teaches Lesson of Tolerance March 2005; Topeka, KS

Groups in the hometown of Rev. Fred Phelps' Westboro Baptist Church are organizing to show their disapproval of the church, which is well known for its protests against organizations and groups supporting gay, lesbian, bisexual, and transgender (GLBT) issues. Founded in 1955, the Church's congregation is largely made up of Phelps' family, which includes 13 children, 53 grandchildren, and assorted in-laws. On its website, www.godhatesfags.com, the group claims to be dedicated to "preaching the Gospel truth about the soul-damning, nation-destroying notion that 'It is OK to be gay.'"⁶ The group travels around the country and world protesting outside of various events such as *The Laramie Project*, the play about the 1998 murder of University of Wyoming student Matthew Shepard. The group even went as far as to protest outside of Matthew Shepard's funeral in 1998. The Westboro Baptist Church is listed as a hate group by the Southern Poverty Law Center, a civil rights organization based in Montgomery, AL, that monitors extremist groups nationwide.⁷

Concerned citizens in Westboro's home town of Topeka, KS are actively challenging Phelps' group. Several local organizations formed to fight the Westboro Baptist Church, including "Concerned Citizens for Topeka." The group is bringing together a diverse coalition of Topeka residents, including local politicians and clergy, to fight the messages of hate emanating from Westboro's members. Members of the Topeka community also showed their opposition to the church's platform when they voted overwhelmingly against Jael Phelps, a granddaughter of Rev. Phelps, in the nonpartisan primary for city council in March 2005. Phelps ran against

councilwoman Tiffany Muller, the first openly gay officeholder in Kansas. Muller was ultimately defeated in the election by attorney Richard Harmon. The Topeka community also voted against a Phelps' family campaign to repeal an ordinance that prohibits the city from discriminating against gays in hiring. If it had passed, the repeal measure would have banned the Council from passing any ordinances specifically protecting gay and lesbian individuals for 10 years.

Fred Phelps' campaign of hatred may be having the reverse effect. In fact, many people in the Topeka community spoke of their support for gay rights and explicitly reference their position as opposed to Westboro's. Debra Goodrich, an opponent of the repeal measure said, "it's almost as if the gay rights people had hired Fred. He's so galvanized the community for gay rights." Mark Potok, of the Southern Poverty Law Center agreed, "I thank Fred Phelps for teaching Topeka about tolerance. He has done more for teaching tolerance than anyone in the history of Kansas."⁸

*Kline Continues to Attack Reproductive Health Care Services
April, 2006; KS*

Since Phill Kline (R) became Kansas Attorney General in 2003, he has continuously made recommendations that would violate medical confidentiality and lessen access to reproductive health care. Soon after becoming attorney general, Kline began a secret investigation of two clinics: Comprehensive Health of Planned Parenthood in Overland Park and Women's Health Services in Wichita. Kline subpoenaed the clinics for the medical records of patients. The clinics immediately challenged the subpoenas, stating that this order violated the patients' right to confidentiality. On February 3, 2006, the Kansas Supreme Court ordered that Kline must justify his request for these records. If these records are handed over to Kline, the patients' names and personal information must be omitted in order to respect the patients' right to privacy.⁹

In his attempt to justify the right to access these medical records, Kline claimed that he was pursuing a "search for evidence of crimes, including possible violations of laws limiting late-term abortions and requiring mandatory reporting of suspected child abuse."¹⁰ Representatives for the clinics, however, say that Kline's argument regarding suspected child abuse holds little merit, as two thirds of the records in question were those of adult women.¹¹

Kansas law currently states that it is illegal for those under 16 years of age to engage in sexual activity. Kline broadly interpreted this to mean that all health care providers and counselors must report any "underage" sexual activity, regardless if both minors are the same age and have equally consensual interactions. Under Kline's opinion, any professional who failed to report these minors would face misdemeanor charges of up to six months in jail and a fine of \$1,000.¹²

This monitoring of sexual activity of minors would, in effect, decrease minors' access to essential reproductive health services. Kansas teens claimed that this requirement would not change their sexual behavior but would rather inhibit them from seeking health services that would prevent pregnancy and sexually transmitted diseases. One 16-year-old girl said, "I would continue having sex. I just wouldn't be on birth control."¹³

To combat Kline's request, the Center for Reproductive Rights (CRR) filed a lawsuit against Kline's opinion, stating that this requirement would prevent some girls from seeking and receiving necessary medical attention. This lawsuit led to the blocking of the reporting law from being enforced until a ruling was made. The injunction was lifted, however, until the completion of trial on the issue.

Additionally, in August 2005, Kline filed a lawsuit against Kansas Governor Kathleen Sebelius (D) and two other state officials to try to block the state from funding abortion services for Medicaid beneficiaries. Federal Medicaid law mandates that states receiving Medicaid funding offer abortions in cases of rape, incest, and when the woman's life is in danger. However, Kline insisted that life begins at conception and therefore the state is violating an individual's right to life by funding abortions. On January 24, 2006, a ruling by a Kansas state court judge ruled that since Kansas participates in the federal Medicaid program, the state must comply with all federal Medicaid laws and regulations. Kline's lawsuit was dismissed.¹⁴

Kansas's Youth: Statistical Information of Note¹⁵

- In 2005, 44% of female high school students and 45% of male high school students in Kansas reported ever having had sexual intercourse compared to 46% of female high school students and 48% of male high school students nationwide.
- In 2005, 3% of female high school students and 8% of male high school students in Kansas reported having had sexual intercourse before age 13 compared to 4% of female high school students and 9% of male high school students nationwide.
- In 2005, 12% of female high school students and 15% of male high school students in Kansas reported having had four or more lifetime sexual partners compared to 12% of female high school students and 17% of male high school students nationwide.
- In 2005, 36% of female high school students and 30% of male high school students in Kansas reported being currently sexually active (defined as having had sexual intercourse in the three months prior to the survey) compared to 35% of female high school students and 33% of male high school students nationwide.
- In 2005, among those high school students who reported being currently sexually active, 61% of females and 77% of males in Kansas reported having used condoms the last time they had sexual intercourse compared to 56% of females and 70% of males nationwide.
- In 2005, among those high school students who reported being currently sexually active, 22% of females and 21% of males in Kansas reported having used birth control pills the last time they had sexual intercourse compared to 21% of females and 15% of males nationwide.
- In 2005, among those high school students who reported being currently sexually active, 22% of females and 28% of males in Kansas reported having used alcohol or drugs the last time they had sexual intercourse compared to 19% of females and 28% of males nationwide.
- In 2005, 88% of high school students in Kansas reported having been taught about AIDS/HIV in school compared to 88% of high school students nationwide.

Title V Abstinence-Only-Until-Marriage Funding

Kansas received \$337,110 in federal Title V funding in Fiscal Year 2005. The Title V abstinence-only-until-marriage grant requires states to provide three state-raised dollars or the equivalent in services for every four federal dollars received. The state match may be provided in part or in full by local groups. Kansas matches its federal money with \$293,389 in state funds. The Kansas Department of Health and Environment oversees this funding.

The state's Title V funding is distributed to eight sub-sub-grantees. Sub-grantees include Abstinence Education Consultants, Inc., Catholic Community Services, Flint Hills Community Health Center, GPT-Local Area Network, Johnson County Health Department, Olathe School District, S.A.F.E.—Sexuality and Family Education, and Ulysses School District. They use a variety of curricula, including *Family Accountability Communicating Teen Sexuality (FACTS)*, *A.C. Green's Game Plan*, *Choosing the Best*, and locally developed curricula. All sub-grantees target young people ages 10–17. The sub-grantees must follow all eight points of the federal definition of “abstinence education.”

SIECUS reviewed the *FACTS* curricula and found that, in order to convince students to remain abstinent until marriage, they provide incomplete and inaccurate medical information; present opinions and beliefs as universal truths; and portray a biased view of gender, marriage, family structure, sexual orientation, and pregnancy options. For example, *FACTS* includes as the negative consequences of premarital sex:

Pregnancy, financial aspect of fatherhood, abortion, HIV/AIDS, STDs, guilt, rejection, loss of reputation, inability to bond in the future, challenge to not compare future sexual partners, alienation from friends and family, poverty and the inability to complete school.¹⁶

FACTS also includes the following as an emotional consequence of sex: “you know people talk about you behind your back because you’ve had sex with so many people. It so empty too (sic). Finally you get sick of it all and attempt suicide.”¹⁷

SIECUS reviewed *Game Plan* and found that in order to convince high school students to remain abstinent until marriage, the curriculum relies on messages of fear and shame, inaccurate and misleading information, and biased views of marriage, sexual orientation, and family structure. In addition, *Game Plan* fails to provide important information on sexual health including how students can seek testing and treatment if they suspect they may have an STD. Finally, the format and underlying biases of the curriculum do not allow for cultural, community, and individual values, and discourage critical thinking and discussions of alternate points of view in the classroom. For example, *Game Plan* states, “even if you’ve been sexually active, it’s never too late to say no. You can’t go back, but you can go forward. You might feel guilty or untrustworthy, but you can start over again.”¹⁸

SIECUS reviewed both *Choosing the Best PATH* (for junior high school students) and *Choosing the Best LIFE* (for high school students) and found that they name numerous physical and psychological consequences of premarital sexual activity, suggest that sexually active teens will never have happy futures, and imply that only teens with low self-esteem and poor judgment become sexually active. For example, *Choosing the Best LIFE* states that, “relationships often lower the self-respect of both partners—one feeling used, the other feeling like the user. Emotional pain can cause a downward spiral leading to intense feelings of lack of worthlessness.”¹⁹

The funding also supports a statewide media campaign entitled, *Self Respect is the Ultimate Contraception*, which includes a toll free hotline, ads on movie screens, billboards, posters, and other promotional items such as Frisbees, shoelaces, and water bottles.

Title V Evaluation

Kansas evaluated its Title V abstinence-only-until-marriage program in 2004. Five of the six abstinence-only-until-marriage sub-grantees participated in the survey. Students responded to pre- and post-test questions about their attitudes relating to abstinence such as “I will be healthier, happier, and more accepted if I wait until I’m married to have sex” and “I feel comfortable saying ‘no’ to sex.”²⁰

Results revealed that there were “no changes noted for participants’ actual or intended behavior; such as whether they planned to wait until marriage to have sex.”²¹ The evaluation did reveal negative changes in attitudes, students surveyed were less likely to respond that the teachers and staff cared about them and significantly fewer students responded that they felt they “have the right to refuse to have sex with someone” following participation in an abstinence-only-until-marriage program.²²

Researchers concluded that, “rather than focusing on Abstinence-Only-Until-Marriage, data suggests that including information on contraceptive use may be more effective at decreasing teen pregnancies.”²³

Community-Based Abstinence Education (CBAE)²⁴ and Adolescent Family Life Act (AFLA) Grantees

There are two CBAE grantees in Kansas: Abstinence Education Consultants, Inc. and Haven Center, Inc. There are no AFLA grantees in Kansas.

Abstinence Education Consultants, Inc.’s website includes information for youth, parents, and the “unmarried sexually active.” In the section for the “unmarried sexually active,” the website includes a discussion of why unmarried adults should remain or become abstinent:

To help us think through things, let’s analyze the old phrase, “*curiosity killed the cat... but satisfaction brought it back!*” Can curiosity about sex “**kill the cat**”??? The **cat** represents you or me. If curiosity gets me in a situation where I think I’m in control because I WANT to get physical (without being married to my partner) then I (the cat) get **killed** emotionally and spiritually without being conscious of it until I wake up at a later date and look backwards, after the fact. “*How could I be so stupid?*” How many people secretly admit stupidity?²⁵

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2005

Abstinence-Only-Until-Marriage Grantee	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
Length of Grant		
Kansas Department of Health and the Environment www.kdhe.state.ks.us/c-f/ab-ed.html#Profile	\$337,110 federal \$293,389 state	Title V
Abstinence Education Consultants, Inc. DUAL GRANTEE 2005-2008	\$20,000 \$770,800	Title V sub-grantee CBAE
Catholic Community Services www.catholiccharitiesks.org	\$19,934	Title V sub-grantee
Flint Hills Community Health Center www.flinthillshealth.org	\$28,894	Title V sub-grantee
GPT-Local Area Network	\$33,253	Title V sub-grantee
Johnson County Health Department www.health.jocogove.org	\$30,000	Title V sub-grantee
Olathe School District www.olathe.k12.ks.us	\$21,180	Title V sub-grantee
S.A.F.E.–Sexuality and Family Education	\$23,822	Title V sub-grantee
Ulysses School District	\$20,822	Title V sub-grantee

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Abstinence-Only-Until-Marriage Grantee	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
Length of Grant Haven Center, Inc 2005–2008	\$652,468	CBAE

Title V Abstinence-Only-Until-Marriage Coordinator

Abstinence Education Consultant
Children and Families Section
Bureau for Children, Youth and Families
Kansas Department of Health and Environment
1000 SW Jackson, Suite 220
Topeka, KS 66612
Phone: (785) 291-3053

Kansas Organizations that Support Comprehensive Sexuality Education

American Civil Liberties Union of Kansas
and Western Missouri
3601 Main St.
Kansas City, MO 64111
Phone: (816) 756-3113
www.aclukswmo.org

Planned Parenthood Advocates of Kansas
and Mid-Missouri
4401 West 109th St., Suite 200
Overland Park, KS 66211
Phone: (913) 312-5100
www.ppkmo.org

ProKanDo PAC
PO Box 8249
Wichita, KS 67208
Phone: (316) 691-2002
www.prokando.org

University of Kansas Pro-Choice Coalition
c/o Student Organizations—Kansas Union
University of Kansas
Lawrence, KS 66045

Kansas Organizations that Oppose Comprehensive Sexuality Education

Abstinence Education Consultants, Inc.
3301 W. 13th St., North
Wichita, KS 67203
Phone: (316) 688-0840
www.abstinenceeducationconsultants.org

Kansas For Life
2501 E. Central
Wichita, KS 67214
Phone: (316) 687-5433
www.kfl.org

Operation Rescue West
11801 E. Lincoln
Wichita, KS 67207
Phone: (316) 683-6790

Operation Save America-Wichita
PO Box 497
Kechi, KS 67067
Phone: (316) 612-3500

Newspapers in Kansas

Dodge City Daily Globe
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The Hays Daily New
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¹ This refers to the fiscal year for the Federal Government, which begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; for example, Fiscal Year 2005 begins on October 1, 2004 and ends on September 30, 2005.

² Diane Carroll, "Parents permission slip may be ticket to sex ed," *The Kansas City Star*, 20 September 2005, accessed 1 October 2005, <<http://www.kansas.com>>.

³ Board deadlocked on sexual education issue," *Lawrence-Journal World*, 14 September 2005, accessed 1 October 2005, <<http://www2.ljworld.com>>.

⁴ Ibid.

⁵ Ibid.

⁶ *God Hates Fags Purpose*, Westboro Baptist Church, accessed 28 April 2005 < <http://www.godhatesfags.com/main/purpose.html> >.

⁷ *Active Hate Groups in 2004 Map*, Southern Poverty Law Center , <<http://www.splcenter.org/intel/map/hate.jsp?S=KS&m=3>>, accessed 28 April 2005.

⁸ Roy Bragg, "Topeka has little love for hateful preacher," *San Antonio Express-News (TX)*, 10 April 2005, accessed on 12 April 2005, <http://www.mysanantonio.com/news/metro/stories/MYSA041005.1A. antigay_church.1c11ad8ec.html>.

⁹ Jon Platner, *Who Is Phill Kline?*, Planned Parenthood Federation of America, Inc. (30 March 2006), accessed 7 April 2006, <http://www.plannedparenthood.org/pp2/portal/files/portal/webzine/newspoliticsactivism/fean-060330-phil-kline.xml>.

¹⁰ *Clinics Ask State Supreme Court to Block Kansas AG's Investigation Involving Medical Records of Women Who Had Abortions*, Kaiser Daily Reproductive Health Report (25 February 2005), accessed 25 February 2005, <http://www.kaisernetwork.org/daily_reports/rep_index.cfm?hint=2&DR_ID=28332>.

¹¹ *Kansas Supreme Court Lifts Gag Order in Case Involving Attorney General's Subpoena of Abortion Medical Records*, Kaiser Daily Reproductive Health Report (11 March 2005), accessed 11 March 2005, http://www.kaisernetwork.org/daily_reports/rep_index.cfm?hint=2&DR_ID=28592.

¹² *Kansas DA Testifies in Favor of Broad Application of Law that Requires Reporting of Sexual Activity Among Minors*, Kaiser Daily Women's Health Policy (10 February 2006), accessed 7 April 2006, http://www.kaisernetwork.org/daily_reports/print_report.cfm?DR_ID=35332&dr_cat=2.

¹³ Platner.

¹⁴ Ibid.

¹⁵ Unless otherwise cited, all statistical information comes from: Danice K. Eaton, et. al., "Youth Risk Behavior Surveillance—United States, 2005," *Surveillance Summaries, Morbidity and Mortality Weekly Report*, vol. 55, no. SS-5 (9 June 2006): 1-108, accessed 8 June 2006, <<http://www.cdc.gov/HealthyYouth/yrbs/index.htm>>.

¹⁶ Rose Fuller et al., *FACTS and Reason* (Portland, OR: Northwest Family Services, 2000); Rose Fuller, et al., *I'm in Charge of the FACTS* (Portland, OR: Northwest Family Services, 2000). For more information, see SIECUS' review of *FACTS* at < http://www.communityactionkit.org/curricula_reviews.html>.

¹⁷ Ibid.

¹⁸ Scott Phelps and Libby Gray, *A.C. Green's Game Plan* (Golf, IL: Project Reality, 2001). For more information, see SIECUS' review of *A.C. Green's Game Plan* at <http://www.communityactionkit.org/curricula_reviews.html>.

¹⁹ Bruce Cook, *Choosing the Best LIFE* (Marietta, GA: Choosing the Best Inc., 2000); Bruce Cook, *Choosing the Best PATH* (Marietta, GA: Choosing the Best Inc., 2000). For more information, see SIECUS' reviews of *Choosing the Best LIFE* and *Choosing the Best PATH* at <http://www.communityactionkit.org/curricula_reviews.html>.

²⁰ Ted Carter, *Evaluation Report for The Kansas Abstinence Education Program* (Topeka, KS: Kansas Department of Health and Environment, November 2004), 10.

²¹ Ibid., 19.

²² Ibid.

²³ Ibid., 22.

²⁴ In Fiscal Year 2004 SPRANS—CBAE was administered within the U.S. Department of Health and Human Services (HHS) by the Maternal and Child Health Bureau. In Fiscal Year 2005 this funding stream was moved to HHS' Administration for Children and Families and is now referred to simply as Community-Based Abstinence Education (CBAE).

²⁵ *Abstinence Education for the Non-Married Sexually Active Person*, Pure and Simple Abstinence Education, Inc., accessed 12 January 2006, <http://www.abstainpureandsimple.org/WEB_Unmarried_Sexually_Active_2004.html>.