

SENATE BILL REPORT

ESSB 5592

As Passed Senate, March 15, 1997

Title: An act relating to abstinence education.

Brief Description: Providing for abstinence education.

Sponsors: Senate Committee on Education (originally sponsored by Senators Stevens, Hochstatter, Zarelli, Schow, Morton, Benton, Deccio, Rossi, Roach, Strannigan, West and Oke).

Brief History:

Committee Activity: Education: 2/27/97, 3/4/97 [DPS].
Passed Senate, 3/15/97, 32-17.

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Staff: Karen Carter (786-7424)

Background: Federal welfare reform legislation authorized Title V grants-in-aid to states for abstinence education.

Enabling legislation exists but grant-in-aid was not included in the congressional budget for federal fiscal year (FFY) 1997. However, the President has asked Congress to appropriate \$50 million in FFY 1998 for abstinence education purposes. If fully funded by Congress, Washington could receive as much as \$739,000 in federal abstinence funding per year beginning October 1, 1997. The required match to these federal monies is expected to be 75 percent.

Current state law pertaining to sexual abstinence and education concerns school age children's instruction about the HIV or AIDS virus. Chapter 28A.230.070 requires that district HIV/AIDS prevention programs stress abstinence as the only certain means to avoid contracting or spreading the AIDS virus through sexual contact.

Summary of Bill: The purpose of the act is to promote abstinence from sexual activity with a focus on those groups most likely to bear children out of wedlock, including those who are likely to impregnate women who bear children out of wedlock. The Department of Health is directed to apply for federal Title V funds to support a new program of abstinence education grants. An Abstinence Education Oversight Committee is created to establish grant criteria, select grant recipients, oversee program administration and monitor progress. Program goals and appropriate use of federal and state funds that may be available to support

an abstinence education program for Washington State, as well as state expectations for grant recipients, are clarified.

Oversight Committee. The Abstinence Education Oversight Committee is a seven-member body comprised of the chairs the Senate and House health committees and five experienced abstinence educators chosen by the House Speaker and Senate President after consultation with their respective majority and minority caucuses. The oversight committee must appoint a lead agency to: (1) administer the grant program under committee direction, (2) coordinate research and (3) distribute progress reports. Subject to legislative appropriation, members of the oversight committee are reimbursed for travel expenses.

Program Goals and Evaluation. The abstinence education program goals are threefold. The state seeks a measurable reduction in the incidence of sexually transmitted disease, abortions, and out-of-wedlock births. The state must contract with an institution of higher education to scientifically collect and evaluate the state's progress in meeting program goals. Standards used to assess progress are determined by the oversight committee. The designated institution must coordinate with the Health Department to provide annual reports to the health and education committees of the Legislature. Twenty-one percent of any federal and state abstinence education funds are earmarked for empirical research.

Abstinence Education Grants. The oversight committee sets criteria and approves applications for grant funds. The oversight committee may designate a lead agency to take responsibility for subsequent financial distributions and to account to the federal government for matching funds as required.

Grants are for the exclusive purpose of "abstinence education" as defined in the act. Such programs include counseling, mentors and adult supervision to promote abstinence from sexual activity among unwed minors. Grant funds may also be used for abstinence advertising and teacher training to provide premarital abstinence education.

The Department of Health is directed to establish a competitive grant process for the committee. Applications for grant funds may come from private or public, sectarian or non-sectarian, profit or not-for-profit agents with experience in abstinence education.

The Department of Health is further directed to collect county and census tract statistics on the age and marital status for reports of sexually transmitted disease, including HIV. Compliance with this requirement must reported annually to the education and health committees of the Legislature by the oversight committee.

Requirements of Abstinence Education Grantees. Abstinence education grant recipients must:

- make all textbooks and other curricula material available for inspection by the general public and interested parents;
- establish an Internet web site at their own expense which provides a full description of, and financial accounting for, the local designed program; and

- acquire local approval for the proposal and match 21 and one-half percent of the funds received for abstinence education.

Funds received must be segregated from maternal and child health funds, separately accounted for and costed. Grant recipients must have their books audited by a certified public accountant not less than once a year. Penalties are established for noncompliance. Any conference or conference speakers supported by abstinence education grant funds must observe the requirements of this act.

If specific funding is not provided by the Legislature, the act is null and void.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after the adjournment of the session in which the bill is passed.

Testimony For: Abstinence-based education programs will be available to a greater extent thanks to earmarked federal dollars coming to Washington State for that very purpose. Abstinence educators do not replace teachers, they are a resource to schools. This act does not stop family planning nor alter school board sex education curricula. The grants authorized under this act will enable private, outside agencies to talk to young people about intimacy, sex in the context of marriage and economic self-sufficiency, and should serve to strengthen their ability to choose abstinence.

Testimony Against: This act seeks to eliminate comprehensive sex education. What Washington will end up with is a system that is biased towards abstinence-only education programs. Abstinence-only programs have religious overtones and tend to be factually inaccurate. Abstinence education alone won't produce the desired results. What young people really need are programs that don't hide the facts, provide solid information about risks, and strengthen students' decision-making skills so when they act, they choose safe behaviors.

Testified: Senator Stevens, prime sponsor (pro); Carole Miller, ASSET (con); Ryan Truax, teen (con); LeAnna Benn, Teen Aid, Inc. (pro); Carrie Abbott, SHARE (pro).