



Dear Commissioner Blomstedt, State Board of Education Members, and Health Standards Writing Team,

The Nebraska Catholic Conference (NCC) advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public.

As we consider the second draft of health standards, we again thank you for your service to Nebraska children, families, educators, and schools. We also recognize that the NDE, writing team, and State Board of Education (SBOE) have received an immense amount of feedback from Nebraskans. We understand that the most helpful feedback is constructive and specific. That is the goal of this document.

Discussion of these standards requires listening, nuance, and a commitment to do what's best for children. With all of that in mind we present our feedback regarding the content and process related to the second draft of the Health Education Standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy J. Ekeler".

Jeremy J. Ekeler
Nebraska Catholic Conference
Associate Director of Education Policy

Recognized Improvements

- **Removed portions:** Cuts were made to areas of concern noted by so many Nebraskans. These substantial removals created less prescriptive language that is befitting of standards. The reason for these removals is because...
- **Constituent Input:** As noted above, the NDE and writing team listened to the voices of Nebraskans both via written and public comment. Obviously more comments are now rolling in. While we have concern about a compromised draft that leaves no one satisfied, we acknowledge the NDE's work in considering such an immense amount of information.
- **Input taken:** Responses from certain SBOE members, as well as changes in the new draft, make it clear that our work and communications with the NDE were deemed worthwhile to this process. We hope our comments are again seriously considered.
- **Acknowledgement of parents (bottom of page 2, onto page 3):** The acknowledgement of parents in the educational process is an essential step. While parents do more than "share in the responsibility of helping students...", the term "primary educators" is an integral addition by the writing team.
- **Deference to local control (bottom of page 4):** The NDE did well to express the value of local control. The explicit statement of support for local matters is a significant one upon which the NDE can build.

Fundamental Concerns

- **Imbalanced principles:** Education is about the formation of young people. This is an involved process that requires relationship, rigor, content, instruction, equity, and other principles (some of which are universal, and others that may be local). The over-reliance on any one principle, no matter how virtuous it may be, comes at the expense of the others. In this case equity, which is a vital component, has unbalanced the work of the NDE. The concentrated, nearly singular focus on equity is (ironically) an inequity to the other vital principles necessary in a sound educational approach.
- **Respecting Voices:** SBOE members have commented that "having the most voices" does not make one side correct. This is true on its face, but it is clear in the case of the Health Standards that the minority voice acted as advisors to the draft even as they organized voices to support it. Out Nebraska was even granted both advisory rights and the opportunity to present to the board. In other words, it is unjust to diminish one set of voices when the other was given privileged positioning from the start.
- **Unified message:** With hundreds of public comments and thousands of written pieces of feedback, it is now clear that people on both sides of the issue are actually in agreement on one matter: This is personal. People may disagree about content, but there it is clear that the NDE is out of bounds entering territory so personal it manifests immediate visceral, divisive reactions.
- **Healthy Conflict:** The number of unanimous votes and prioritization of unity over discourse that is pervasive on the SBOE demonstrates a lack of healthy debate and conflict. It's not just "OK to disagree" (as one SBOE member noted), it's essential. Attempts to create unanimous consensus place dysfunctional solidarity ahead of healthy conflict.

- Trust: SBOE members have claimed that this process, while ugly, is working. This is not true. Functional, productive processes do not tear the citizenry apart to this degree while simultaneously shattering the trust of people on both sides of the issue. And now, as we move from the first to the second draft, both sides are expressing that trust is gone. Further proof came from the mouth of SBOE members on August 6th when some expressed aloud what so many Nebraskans have felt for months – trust is shattered.
- Broken Process: Nebraskans should be concerned about this process taking more time than it already has. Besides the energy and resources used, a derailed process simply cannot be perpetuated. Soft deadlines, the abrupt release of Draft II, a mere 16 days to reply to Draft II, invited political activists, the release of ELA standards, and Rule 10 and 14 overhauls simultaneously...and more issues all occurred in the middle of a pandemic that has shaken schools, students, and families in a historic way. The NDE's role during this time should be to support our schools and families, not mire them in conflict.

Specific Content Feedback

We will classify our feedback into four areas.

- I. **Strong Content**: These are areas the NCC recognizes as strong and positive.
- II. **Problematic Content**: These are areas to be addressed by the writing team.
- III. **Concerning Content**: Some statements in Draft II seem like obfuscations because of the content in the first draft. Those areas, or simply areas that have the potential for creating troubling curriculum at the local level, are addressed.
- IV. **Deficiencies**: Areas that are lacking or nonexistent.
- V. **Conclusion**

I. Strong Content

| Reference | Comments |
|---|--|
| Parent, Guardian, Family Involvement (page 2-3) | These comments show that the NDE was listening to the primary point made by most opponents of the draft. Furthermore, they support the essential truth that parents/guardians are the first and primary educator of their child. |
| Deference to local control (page 4) | The inclusion of local stakeholders (parents/guardians, school boards, community members, teachers, and school leaders) in the formation of appropriate sex education both supports Nebraska’s approach to local control and should act as a self-imposed directive to the NDE and SBOE. |
| HE.HS.2.11.C | This is a strong item because it encourages students to be engaged locally by asking important questions about the policies around them. Furthermore, it opens the door to their voices being heard in school and local policy matters. This combination of education and engagement is a positive one that should be considered elsewhere and across content areas. |
| HE.1.5.2.c | This is a great item presented at the right age. This item also presents a foundation upon which to scaffold future lessons on pornography’s danger (3 rd grade), pornography and depression (5 th grade), and pornography as a public health crisis (junior high). |
| HE.6.5.2.d | It could be argued that this item, while very strong and important, is introduced too late. Its inclusion is a positive, though the writing team may want to consult more research to verify the timing. |
| HE.7.5.2.c | Great item but presented too late. Should be taught in 5 th grade. |
| HE.6.5.2.e and HE.7.5.2.e | Both of these items are fantastic, and both should be taught a year earlier and then built upon in future years. |
| HE.6.6.1.c | A foundation of character formation and decision-making skills is vital (“soft skills” are actually “essential skills”). This item is a refreshing reminder that the job of educators is to form young people in who they are becoming as relational people. |
| HE.8.6.1.d | Very strong but at least one year too late. |
| Standards 1 & 3 of Strand 6 | Overall, despite some issues with grade placement, these are especially strong items because the language is focused on the formation of character and the dignity of others without being overly specific or prescriptive. |

II. Problematic Content

| Reference | Comments |
|---------------------------|---|
| Equity Lens | This document is problematic for multiple reasons. First, the document doesn't ever define equity. Secondly, it is full of the very content so many Nebraskans have said they do not want the NDE involved in. Thirdly, it includes a struck section of text that creates confusion. Fourth, and most fundamentally, this document creates the imbalance previously discussed: the guiding document for the NDE appears to only account for equity. |
| Box on top of page 2 | The below italicized statement implies that there are more than two sexes. There are two: male and female. This statement is all the more confusing as these standards never define the term biological sex, which is an omission made more concerning by the content of Draft I. Finally, this statement doesn't actually match 20 U.S.C. 1701, which uses the word "equal" (not "equitable"), nor does it insinuate that there are more than two biological sexes. <i>"The Nebraska State Board of Education believes that <u>every student</u> is entitled to equitable opportunities across all races, colors, sexes, and national origins."</i> |
| HE.5.7.2.e | The idea of gender roles being left in the hands of teachers is problematic. In light of the response to the first draft, it's an over-step into an area that families have said is clearly their space. |
| HE.7.7.2.d | Thousands of Nebraskans have voiced their displeasure with the NDE delving into this area, yet biological sex and gender identity remain. For starters, gender and sex (and their relationship to one another) are never defined so this item is left without a foundation. Next, the NDE is not acknowledging the difference between "expression" and identity. Students are expressing themselves in countless ways at various times on their path to formation and adulthood. As such, a 12 year-old should not be pinned to a single identity that is in the process of formation. The singular focus on gender as one's identity is flawed. |
| HE.HS.1.16.e (page 40) | This item assumes that adolescents should be having sex as long as there is "affirmative consent". The CDC notes that teenagers are waiting longer and having less sex: Less than 40% of American high schoolers have ever had sexual intercourse. ¹ We also know that 40% of teens say sex education like this has made them feel pressured to have sex. ² Finally, the purpose of sex is to be an expression of love and self-giving between a man and a woman that unifies them and carries with it the possibility of bringing new human life into the world. |
| Glossary: Gender Identity | We have heard repeatedly (including from the mouths of SBOE members) that the debate over the Health Standards pits religion against science in such a way that the former are misguided beliefs, and the latter are rooted in undeniable facts. And yet here is a definition |

¹ <https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBSDataSummaryTrendsReport2019-508.pdf> (see data beginning on page 12)

² https://www.myrelationshipcenter.org/getmedia/3240ccc0-e3db-49e1-b336-155dad76466b/Teens-Say-Sex-Ed-Pressures-Them-to-Have-Sex_V531-003.pdf.aspx

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| | with no scientific mooring. This definition is based upon subjective “thoughts and feelings” about gender (and recall, there is no definition of biological sex included). This definition is all the more troubling because it embraces identity affirmation instead of child development. This is a remarkable shift in educational approach – from development/formation to affirmation. |
| Glossary: Health Disparities | Replace “gender” with “sex”. This is a repeated and confusing issue throughout the document that points back to the failure to define terms. |
| HE.HS.1.8.c | The word “legal” should be included in front of the word “drugs” so that there is no impression that certain illicit drugs are culturally connected, or even permissible. |

III. Concerning Content

| Reference | Comments |
|---------------------------|--|
| Equity Lens | Addressed in the section above. Also, how is the term “genetic information” being used and how is that related to the other items in this list? |
| HE.4.4.2.a | Because of the influencers of Draft I, this item (and ones like it) are leading to engagement with Planned Parenthood and other organizations of concern. Standards like these are footholds for the original advisors. |
| HE.8.4.2.b | As with HE.4.4.2.a, this item is of concern due to the process and content of Draft I. |
| HE.HS.2.11.d | This statement is confusing and requires clarification. It appears to have the positive aspect of studying and engaging one’s community, but it also has the capability of being divisive as one “deconstructs” the social elements around them. |
| HE.HS.1.11.f | Like others listed above, this item is an obfuscation of the NDE’s original intent from Draft I. Also, this is very much a sex education topic and the NDE said that was not the intent of this draft. |
| HE.7.7.1.f | This is a great example of how Draft I clouds the reading of Draft II. Objectively, should 7 th graders be made aware of laws regarding their protections from predators, sexting, and trafficking? Yes. However, in light of the first draft this standard could be interpreted as normalizing adolescent sexual activity. |
| HE.6.7.2.a | Similar to the item above, in light of Draft I this reads like a cover for hormone blockers. |
| HE.7.2.e | As above, this reads like a vehicle for discussions on hormone blockers. |
| Standard 1 of Strand 8 | Items related to “health information, products, and services...” can only be read through the lens of Draft I and therefore point to concerns about contraception and abortion. |
| HE.HS.2.19.g | This is confusing but seems to point to societal normalization as the guiding compass for health decisions. Or perhaps it is the study of societal norms in creating messaging. Either way this seems contrary to the use of reason, data, and well-formed conscience. |
| Glossary: Perceived Norms | This definition is not accurate. A perceived norm is not a feeling, it simply is. Perceived norms create things like peer and social pressures to which people may (or may not) respond. But they are not innately a feeling or pressure. |

IV. Deficiencies

- a. **Defining Equity:** Since this is the driver of so much work of this draft, and the heart of the matter of this debate, it should be defined. It is also conspicuous in its omission from the “Equity Lens” document.
- b. **Balanced Educational Approach:** Equity is the educational pillar expressly discussed as compelling the work of these standards (and so much of the NDE’s work in general). That is a concerning, imbalanced approach that denies other essential educational pillars in the development of children and young adults. The over-reliance on equity has created the troubling shift from child/adolescent development to affirmative educational practices. As a result, that shift denies the ongoing formation of young people.
- c. **Defining Sex v. Gender:** It would benefit the writing team, and those reading this document, to have terms defined. This has been problematic from the start regarding sex education, sexuality education, gender, sex, biological sex, equity, identity, etc.
- d. **Pornography/Objectification:** This is a health crisis that is destroying the functioning, mental health, and well-being of our nation. That should come as no surprise as the intent of pornography is the objectification of the human person for the gratification of another. Pornography, like many of the safety items within the health standards (sexting, trafficking, consent, abuse, harassment) should be addressed through the lens of the dignity of the person rather than its objectification.
- e. **Development versus Identity and Formation over Affirmation:** As expressed multiple times in this feedback, it is hard to imagine an educational scenario in which we would tell children they are fully formed: “Yes, your identity is _____.” This is limiting to the individual, and it is confining to the growth and development of a being whose very nature is to find fulfillment, which is a lifelong endeavor.
- f. **Editing:** Misspelling of “basis” in the definition of “Harassment”.

V. Conclusion

The NDE and SBOE are not in a position to provide state-wide sex or sexuality education. With trust shattered and Nebraskans on both sides of the issue expressing the personal nature of the issue, the NDE and SBOE must follow its own call for deference to local control. Sex education rightfully belongs in the hands of local schools, districts, and families.