

March 4, 1982

LB 628

that appears in the bill on the same topic. With that I would move the adoption of my amendment.

SENATOR CLARK: Senator Beutler. We are speaking on the Landis amendment.

SENATOR BEUTLER: I agree with Senator Landis' analysis and would like also to speak against the first part of Senator Peterson's amendment and in favor of the second part. I wanted to back up a minute and be sure that everybody understood exactly what we are talking about on the Landis amendment, what we are trying to delete. The bill provides that it shall be unfair or discriminatory practice for any educational institution to discriminate on the basis of sex in any program or activity, and then it goes on to delineate what some of those activities are, and it says the exclusion of any persons from participation in any academic, extracurricular or other program, and then it says, except athletic programs. All right, so we have a general broad rule against discrimination in education and against exclusion of a person from any program but we make a special rule for athletic programs. For athletic programs we say that there shall be no denial of comparable opportunity in intermural and interscholastic athletic programs. So in other words we make this exception in a separate rule because we want to avoid the problem of forcing boys and girls together in the same sport in certain areas. So the alternative rule is that they should have a comparable opportunity and that is the part that Senator Peterson is seeking to strike and, basically, in my opinion what is being done is that we are setting aside sports or athletics for some reason and saying treat that differently than math or science or a Spanish club or a French club or any of the other of the activities that go on in a school system. We are singling out sports, athletics and saying you don't have to treat them equally in that area. Well, I think sports or athletics are generally recognized as being an integral part of education. Especially in Nebraska, it is conceived as an especially important part of education and I can see no reason, no logical basis, for taking sports and saying that they shall not be subject, saying that that area shall not be subject to the same rules that Senator Peterson is willing to apply apparently to all other areas. And so I would simply ask you to reject the amendment on the basis of logic and on the basis of fairness. With regard to the last part of Senator Peterson's amendment, I agree with Senator Landis. I think it was helpful in clarifying and I hope that we will adopt that part. Thank you.

SENATOR CLARK: Senator Wiitala.