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**Senate Education Committee
February 19, 2013
Testimony regarding SB 137
Robert Noland – Kansas Family Policy Council**

Thank you for the opportunity to speak with you today. My name is Robert Noland and I am the Executive Director of the Kansas Family Policy Council. I am here today to address concerns with SB 137 and to share my organizations views on bullying and ways we as a society can best address this problem.

First and foremost, bullying is an important topic and one which needs to be addressed in our culture. The news is replete with tragic examples of how bullying can result in consequences that forever change lives and do great harm. Without question, all intimidation whether written, physical or verbal in form, should be addressed. Schools need to be safe places to learn in order to prepare our children for success in life.

There are a number of ways in which schools across the state have chosen to combat the problem of bullying. As per state law, each school district is given free rein to determine the best bullying policy and plan. Current law creates a framework in which school districts can best determine the course of action required based upon past experience and current demographics. Kansas has always given its school districts the power and prerogative to set policy and enact safeguards in areas such as school security, curriculum and educational priorities.

The content of SB 137 which modifies current state law includes the requirement that, regardless of their current policy, school districts must now involve a number of entities in writing and developing a plan to address bullying.

KFPC believes that there are a number of problematic issues with SB 137 and the current statute.

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The inclusion of community representatives and site councils as presented in SB 137 is puzzling in that it seems to bring in outside influences into what appears to be a school discipline matter. School districts should indeed have a plan to deal with violence, threatening behavior and intimidation which administers appropriate levels of discipline. Regardless of the nature of the incident – all behavior disruptive to the educational environment should simply be dealt with swiftly and definitively. When necessary, serious offenses that involve violent or illegal behavior should be referred to appropriate legal authorities.

An additional concern with the inclusion of community and outside groups is that guidelines regarding bullying are characterized in existing statute to include both educational and training policies. We know that in other parts of the nation where similar laws exist which permit outside influences, the formation of bullying policies has been crafted to include educational matter on homosexual lifestyles and same-sex marriage. KFPC believes it a dangerous precedent to create a law in which such politically charged agendas can find their way into the curriculum for our children and the training plans for our teachers. Some national groups have gone so far as to outline entire plans that begin to teach certain lessons about homosexuality beginning as early as Kindergarten and running through high school. It is important to note that these plans are built around the issue of bullying which should be a primarily disciplinary matter.

Similar policies in other states and school districts have also had unfortunate effects upon freedom of speech. Children who are raised to believe certain things based upon a deep abiding faith could feel that they are unable to or prevented from sharing their views among friends or even in open discussions about these issues in the classroom lest they be considered non-inclusive or discriminatory. This is despite the fact that parents raise their children with a faith system in which certain truths are incontrovertible. Those who believe such things could find discussions even among like-minded friends forbidden or targeted as bullying and harassment if they take place in the school setting.

- As recently as 2010, in Illinois, the Safe School Alliance training materials for teachers identified “family values” and “faith systems” as potential obstacles.
- In 2009, the Alameda California School Board adopted a “Safe School” policy that included the promotion of same-sex marriage to children as young as 6 years old – the policy did not provide parents any options for opting their children out of the curriculum prompting legal action by parents. A California Superior Court Judge ultimately ruled that any “opt-out right” is “outweighed by the policies against discrimination and harassment of students from LGBT [lesbian, gay, bisexual and transgender] families.”
- In 2011, a 14-year old Texas student was suspended for bullying when he merely stating he believed homosexuality to be wrong.

Without appropriate safeguards for free speech and First Amendment rights, there is also a similar risk that groups of students of a common faith could be prevented from organizing or meeting lest their group be deemed as intolerant or non-inclusive.

KFPC believes that the current law, while adequate, does not require the changes proposed in SB 137. There are ways to address bullying and harassment without singling out certain types or categories of children based upon behavior or lifestyle, without mandating politicized curricular and training plans and also without disturbing any student or student group's free speech rights.

In your material today you have model legislation that very simply states that bullying and intimidation in all its forms is wrong and needs to be combated in effective and decisive ways. The model legislation, which would improve upon current Kansas law, outlines how this can be accomplished without regard to any political agenda, troubling curriculum guidelines or detailed comprehensive plans.

If a change is needed in state law, I hope you can find time to review the model legislation and consider it to modify current state law to more appropriately and definitively address the problem of bullying by treating it as a disciplinary matter to be dealt with swiftly and appropriately as we would expect in any similar conduct outside of the school setting.

Thank you for the opportunity to visit with you today.

Model Legislation to Address Bullying (Louisiana)

I. PURPOSE

The State of Louisiana recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The District finds that bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

II. DEFINITIONS

A. "Bullying" means systematic, repeated, or recurrent conduct committed by a student or group of students against another student that serves as the greatest or sole cause of a student's measurable physical harm or emotional distress. Purely verbal expression, whether oral, written, or electronic, is included within the definition of "bullying" only to the extent that:

(1) such expression is lewd, indecent, obscene, advocating for illegal conduct, intended to incite an immediate breach of peace, or the severe and pervasive use of threatening words that inflict injury; or

(2) District administrators or officials reasonably and objectively determine that such expression will cause an actual, material disruption of school work.

B. "School Premises" means any building, structure, athletic field, sports stadium or other real property owned, operated, leased or rented by the District or one of its schools, including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school.

C. "School-Sponsored Functions or Activities" means a field trip, sporting event, or any other function or activity that is officially sponsored by the District or one of its schools.

D. "School-Sponsored Transportation" means a motor vehicle owned, operated, leased, rented or subcontracted by the District or one of its schools.

III. PROHIBITION

The District prohibits all bullying on school premises, at school-sponsored functions or activities, or while students are being transported by any means of transportation provided or supported by the school district.

IV. REPORTING

Any student who believes he or she has been or is currently the victim of bullying may report the situation to the school principal or assistant principal. The student may also report concerns to a teacher or counselor who shall notify the appropriate school administrator. School officials are not required to investigate a report if made anonymously unless good cause is shown or stated for filing anonymously or the school officials have good reason to believe that a student may be at imminent risk of physical harm.

Students and staff may also report any situation that they observe and believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All properly reported complaints about bullying behavior that may violate this policy shall be promptly investigated, but in no less than 14 days after the complaint is received.

If the investigator determines that bullying has occurred, the parents of the students involved shall be notified according to subsection VI below, and prompt and appropriate disciplinary action shall be taken. Individuals may also be referred to law enforcement officials if such alleged acts are violations of state or local laws.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Complaints and investigative reports and records will not be subject to open records disclosures but may be shared with proper law enforcement officials. Statistical data may be compiled and provided upon request.

V. RETALIATION & INTENTIONALLY FALSE REPORTS

A. Retaliation against any person who reports in good faith, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited. Such retaliation shall be subject to independent discipline. Suspected retaliation should be reported in the same manner as bullying.

B. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and is subject to discipline.

VI. PARENTAL NOTIFICATION

If a report of bullying is determined by school personnel to warrant further investigation, before any student is interviewed, his or her parent shall be notified by the school's principal or vice principal of the allegations made and shall have the opportunity to attend any interviews with their child conducted as part of the investigation. The notice may be by telephone or email but must also be confirmed in writing and mailed to the parent's home.

It shall not be the responsibility of an involved student to deliver such notification.

VII. INTERPRETATION & APPLICATION

A. This policy shall not be interpreted to infringe upon the First Amendment rights of students, and is not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

B. This section does not impede or preclude a student, the student's parents, or school officials from directly reporting to law enforcement officials any behavior that constitutes a violation of criminal law.

VIII. POSTING

Each school district shall provide copies of its bullying policy to all employees, students and parents and post the policy electronically on the school district website.



Gay activists realize that if they can capture the hearts and minds of the next generation, they will, for all practical purposes, have won the culture war.

CitizenLink

Parents beware

“Anti-bullying” initiatives are gay activists’ latest tools of choice for sneaking homosexuality lessons into classrooms.

by Candi Cushman

Illinois mom Tammy Schulz recently discovered that when her school district uses the words “safe” and “welcome,” she feels neither.

It all started in January when she received an invitation to a “Welcoming Schools” presentation at the local Beye elementary school. Billed as a way to address bullying, the program was introduced by the Illinois Safe Schools Alliance and its executive director, Shannon Sullivan.

“Safe schools” and “welcoming” sounded nice. But when Schulz did a little research on the Internet, she didn’t like what she saw. It turned out that the Illinois Safe Schools Alliance had strong ties to GLSEN (Gay, Lesbian and Straight Education Network) — a national homosexual-activist group dedicated to

promoting homosexuality to public school kids all the way down to the kindergarten level.

Not only had the national GLSEN office recently honored the Illinois Safe Schools Alliance as its “partner organization,” but a former GLSEN affiliate had helped start the alliance in the first place.

Targeting schools has always been a high priority of homosexual-activist groups. It’s not even something they’ve tried to hide — “we recognize that schools are ‘ground zero’ in our efforts,” proclaims the Web site for PFLAG (Parents, Families and Friends of Lesbians and Gays).

From the beginning, GLSEN — the brainchild of President Obama’s controversial “Safe Schools czar” Kevin Jennings — has supported schools that take a “whole-school approach, incorporating gay issues into their curricula, their extracur-

ricular activities, their assemblies, their faculty and parent education programs, and other areas from kindergarten through twelfth grade.”

After all, gay activists realize that if they can capture the hearts and minds of the next generation, they will, for all practical purposes, have won the culture war. Problem is, they still find their agenda being blocked by a formidable force — parents and people of faith who don’t want their taxpayer-funded schools transformed into indoctrination centers.

So they have latched onto a more subtle tactic — infiltrating classrooms under the cover of “anti-bullying” or “safe schools” initiatives.

Resisting an agenda

Schulz has four very precious reasons for her concern: Through the foster care system, she and her husband have adopted four African-American children. Ranging in age from 3 to 10 years old, the children attend three public schools in Oak Park, Ill.

If the schools introduced mandatory homosexuality lessons, that would mean “having to discuss things with your child before they are developmentally ready,” Schulz said. “That was one of my main problems with this.”

At a neighborhood Bible study, she discovered that two other moms shared her concerns. One of them brought a *Citizen* magazine article to the study (“Under the Banner of Tolerance,” October 2009) featuring parents who’d successfully resisted homosexuality promotion in their schools. The article referred parents to a new Focus on the Family website, True Tolerance.org, developed to equip parents facing this problem.

“That actually helped us to form what our responses would be,” Schulz said. “It gave us courage, too... that this is something other communities don’t want and there is precedent to remove it.”

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Red flags to watch for

- Videos in school libraries or teacher trainings, such as *That's a Family!*
- School partnerships with outside advocacy groups that have names like the "Safe Schools Alliance" or "Welcoming Schools."
- "Anti-bullying" policies that list special protections for "sexual orientation" or "gender identity."

How to respond

1. Be proactive. Don't wait until inappropriate material gets into classrooms, or your child's hands, to do something about it. Once bad policies and curricula get in, it's very hard to get them out. Educate school personnel and elected officials. Focus on the Family has created TrueTolerance.org to help you get the best information and data available on this issue to your school officials. In fact, you can e-mail information to them from the website's "Take Action" page.
2. Promote the right solution. Recognize that bullying and peer

abuse is wrong and should be stopped. But this can and should be done without politicizing classrooms and introducing controversial, sexual topics to children. Implement strong and objective policies that prohibit bullying for any reason against any child. Counteract bad policies by offering an effective and legally sound alternative like the model anti-bullying policy developed by the Alliance Defense Fund. Download it from TrueTolerance.org (look for the "new bullying resources" section at the top of the page).

3. Avoid creating special categories for protection. Policies that single out certain characteristics for special protections are counterproductive. They put the focus on the wrong place — on the characteristics of the victim, rather than on the actions of the bullies. Plus, listing certain categories creates a system ripe for

reverse discrimination.

4. Use statistics to make your case. Statistics clearly show that bullying is widespread among children for a wide variety of reasons. Thus, children are best served by a policy that gives equal protection to everyone and does not single out certain characteristics as being more worthy of protection than others. (Access up-to-date statistics and talking points in the "bullying resources" section of TrueTolerance.org.)

5. Counteract deception with facts. Use facts to expose deceptive indoctrination. In the "What Parents Should Know" box, TrueTolerance.org provides concrete examples of so-called tolerance lessons that gay-advocacy groups use to brainwash young children. Use this information to provide documentation to your school officials and concerned citizens. ●

— Candi Cushman

The three moms joined forces to investigate. To their dismay, they found that a teacher training conducted by the Illinois Safe Schools Alliance had already taken place at their elementary school. So they filed under the Freedom of Infor-



Principal Jonathan Ellwanger and Shannon Sullivan talk about "welcoming" schools at Beye School in Oak Park, Ill.

mation Act to obtain documents from the training.

Besides the fact that the training centered entirely on homosexuality, one of the documents that disturbed them most was a list of "perceived obstacles," including "family values" and "faith systems."

Ironically, "to say that my faith and my traditional values are obstacles to learning makes me feel that my family and children are unwelcome and unsafe at school," Schulz pointed out. "It is interesting how, by highlighting one group, you end up discriminating against another."

Then, to top it all off, the moms learned that homosexual-themed videos were also being promoted to teachers. One of those, designed

for elementary-age kids, is called *That's a Family!* and depicts 9- and 10-year-olds lauding the benefits of living with two moms or two dads. The video has an accompanying teachers' handbook featuring a crossword puzzle for elementary kids using words such as "transgender."

"It's a political agenda being shoved into my school," Schulz said, "to normalize homosexuality."

School representatives claimed they had not officially adopted any curriculum; this was just a way to share resources with teachers. But Schulz and other parents saw it differently — as an underhanded attempt to get homosexuality lessons into classrooms without a formal



school board vote.

"I have the right to pass on my faith and my values to my children," Schulz said. "It's as if the school is trying to 'correct' a value that our family holds. What business is it of theirs to try and change my family values?"

The concerned parents have taken their case to the school board.

Special protections

The bias Schulz and other parents encountered is increasingly common as homosexual-themed "safe schools" initiatives are introduced in public schools across the country. And when gay activists run up against the "perceived obstacles" to that agenda, they are turning to state, and even federal, legislation to enforce their will.

Specifically, they lobby for so-called anti-bullying laws that mandate special protections in schools for homosexual-related categories. Most commonly, these categories are "sexual orientation," "gender identity" and "gender expression," which can include protection for things like cross-dressing or boys using girls' bathrooms.

As she was encountering resistance at Beye elementary school, for instance, Shannon Sullivan and the Illinois Safe Schools Alliance were heavily involved in crafting state legislation that makes "sexual orientation" and "gender-related identity" protected categories in schools. In April, their efforts came to fruition: The Illinois Legislature passed a so-called anti-bullying bill that included the homosexual categories. The governor was expected to sign it.

This strategy is also heavily pushed by the nation's largest homosexual-advocacy groups, including PFLAG, GLSEN and the Human Rights Campaign. According to GLSEN, at least 16 states have "safe schools" laws that include special protections for "sexual orientation."

Publicly, gay activists claim these

policies are about protecting kids. But behind the scenes, they use them as leverage to get what they want into schools: "diversity" trainings and homosexual-themed curricula.

The policies are also used to undermine parental rights and circumvent traditional marriage laws. These tactics have been documented across the country.

Alameda, Calif.: Mikel Del Rosario, a former youth pastor and the father of a 6-year-old boy, got a firsthand look at how "safe schools" policies are used to intimidate parents.



John and Tammy Schulz of Oak Park, Ill., have adopted four children through the foster care system. Tammy quickly discovered she wasn't the only parent concerned about "safe-schools" initiatives.

On the same day in May 2009 that California's highest court upheld Proposition 8 — defining marriage as only between a man and a woman — the Alameda school board pushed through an "anti-bullying" curriculum that promotes homosexuality and gay marriage to elementary kids.

That's a Family! was to be shown to third-graders. First-graders would be introduced to a storybook called *Who's in a Family?* featuring images of same-sex couples interspersed with pictures of animals, including an all-male elephant herd. In the second grade, kids would listen to *And Tango Makes Three*, a story about two male penguins who supposedly fall in love and hatch a chick.

So how did the school board

justify promotion of same-sex marriage to 6-, 7- and 8-year-olds even as the state's highest court upheld the definition of traditional marriage? Alameda education officials cited "student safety" policies that specified protection for "sexual orientation."

Del Rosario decided to voice his objections. "My son was entering kindergarten, so I felt like I had a responsibility and a duty to stand for truth and righteousness," he told *Citizen*.

"There is a huge difference between teaching tolerance, which is by definition being respectful of other people with whom you dis-

agree," he said, "and saying [the homosexual] lifestyle is to be affirmed and morally praiseworthy."

But when he asked to opt his child out of the lessons, he was denied, as were many other parents. They filed a lawsuit against the school district. But in December 2009, Judge Frank Roesch of the Superior Court of California in Alameda County determined that any "opt-out right" is "outweighed by the policies against discrimination and harassment of students from LGBT [lesbian, gay, bisexual and transgender] families."

Translation: State laws and school provisions citing special protections for homosexual characteristics trump parental rights and religious freedoms.

This spring, the Alameda school

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board tried to appease outraged parents by adopting a series of books on other topics, such as race and disability. However, homosexual-themed books like *And Tango Makes Three* and *Heather Has Two Mommies* remain on the list for every elementary grade — with no opt-outs allowed.

Del Rosario has moved to another school district. His advice for parents: “Don’t wait until it shows up on your kid’s desk or in homework. Be involved in your school. Know not only what your kid is being taught, but what they are proposing.”

Iowa: Iowa passed a homosexual-themed “anti-bullying” law in 2007. As a result, local government education agencies now have training courses for teachers with titles like “How to Make My Classroom Safe for LGBT Students.” They feature the movie *Brokeback Mountain*, as well as training on how to use books like *And Tango Makes Three*.

Minnesota: Katherine Kersten, an opinion columnist for Minnesota’s *Star Tribune*, has tracked similar trends in her state. “One of

coming Schools” curriculum (not the same as the Illinois program) piloted in Minnesota public elementary schools by the nation’s largest homosexual-advocacy group, the Human Rights Campaign. The advocacy group promotes its curriculum as a way to “maintain a safe school environment.” Minneapolis Superintendent Bill Green praised it as “a tool to combat bullying.”

But when Kersten investigated deeper, she discovered “Welcoming Schools” lessons like the “Family Diversity Photo Puzzle” for kids in the first through third grades. In that exercise, “the teacher instructs students to arrange photos of adults and children to create seven families,” wrote Kersten in one of her columns. “But the exercise is rigged.”

Children find themselves forced to “create some families with adults of the same gender” and to “make decisions about whether to label the adults as two mothers,” explains the lesson-plan guide.

Concerned Minnesota parents succeeded in getting controversial elements like the photo diversity exercise removed from at least one school district. So gay activists



Margaret Brown, a Beye School parent, speaks out against the proposed curriculum change.

advocacy,” explained Kersten. “If they can say they now have the law on their side, it becomes that much more difficult to resist.”

The proposed Minnesota measure got all the way to Gov. Tim Pawlenty’s desk, but was defeated at the 11th hour after parents and pro-family groups swung into action. They exposed the true agenda by citing the “Welcoming Schools” curriculum, and pointing out that the state already had a good anti-bullying law that just needed to be enforced. After the Minnesota Family Policy Council patched through thousands of phone calls to the governor’s office, he vetoed it.

New Hampshire: Parents shouldn’t underestimate their power to stop bad legislation, especially when they rally together through grassroots networks, according to Kevin Smith, executive director of Cornerstone Action in New Hampshire.

He speaks from experience.

This spring, his group raised the alarm about “The Pupil Safety and Violence Prevention Act,” which was moving through the state Legislature. As originally written, the measure would have required every school district in the state to insert protections for homosexual categories into their anti-bullying policies. Not only that, but it also included language requiring schools to integrate that



Parents and teachers watch a film about tolerance at the “safe-schools” presentation in Oak Park, Ill.

the things that truly shocked me,” she told *Citizen*, “are these manipulative education techniques. ... This was very clearly indoctrination of young children who were simply too inexperienced to be able to counter the kind of propaganda that was being pushed on them.”

She was referring to the “Wel-

began pressuring state lawmakers to pass the Safe Schools for All Act, to require schools to create anti-bullying policies with special protections for “sexual orientation” and “gender identity.”

“The advocacy groups who are pushing this are highly organized. ... They are relentless in their ad-

The 'Safe Schools' czar

Using "safe schools" as a code phrase for promoting homosexuality to kids is no fly-by-night maneuver. It's a well-planned strategy crafted in large part by "Safe Schools" czar Kevin Jennings, the founder of GLSEN (Gay, Lesbian and Straight Education Network).

In GLSEN's early years, Jennings explained his plan: "We immediately seized upon the opponents' calling card — safety — and turned it to our favor by illustrating how homophobia is a threat to students' safety ... After all, who can be against 'valuing and respecting' everyone? ... Who can oppose



Kevin Jennings has a 17-year track record of using the word "safety" to push homosexual activism in schools.

'healthy school climates?'

In fact, Jennings has a 17-year track record of using the word "safety" to push homosexual activism in schools. What's scary about this is that the Obama administration has not only made Jennings a powerful "Safe Schools czar," but it has also allocated some \$410 million for programs overseen by Jennings in its proposed 2011 budget. Jennings has already stated that he wants to use some \$70 million for "school climate projects."

To learn more about Jennings and his controversial policies, visit CitizenLink.org/Jennings. ●

policy into curriculum.

"Anti-bullying policies in and of themselves are not bad things," Smith said, "but parents have to be aware they are being co-opted by these political activists who are using it as a vehicle to infuse their own agenda into the public school curriculum."

Smith provided testimony, giving legislators concrete examples of how the measure could be used to undermine parental rights based on what's already happened in Alameda, Iowa and Minnesota. It's important "to come armed with the facts," he said. "At one point, we were being called to account, as if we were making this stuff up. Once we presented the evidence, it became clear that it's indisputable."

The truth is, "no one is saying that kids who identify as gay, lesbian, bisexual or transgender shouldn't be protected. They need to be protected just as every other student is protected," he said. "But

we have to be sure that those anti-bullying measures don't translate into discussions of homosexual issues in the classroom."

So Smith presented the legislators with alternative language that provided equal protection against bullying for all students. "You don't want to just go in there and say, 'Don't do this.' ... You've got to give them something to work with," he said.

One resource he offered them was a model anti-bullying policy developed by the Alliance Defense Fund (ADF). "Without advancing any sexual or other agendas, this policy successfully prohibits all forms of bullying, for any reason, and cannot be argued to exclude any particular child," explains ADF.

Cornerstone Action also sent an e-mail alert to constituents. Citing the hundreds of e-mails they received, House subcommittee members unexpectedly changed course, voting instead for more neutral

language and removing the mandate that would have forced every school to include homosexual categories.

"It wouldn't have gotten changed if there wasn't an outcry from so many people," Smith said.

U.S. Congress: Facing this kind of strong resistance at the local level, gay activists are now hoping to score a victory at the federal level that would take the power completely out of the hands of parents and elected state officials.

There are two bills currently pending in the U.S. House that would accomplish this: The Student Nondiscrimination Act, proposed by openly gay Congressman Jared Polis (D-Colorado), would require every public school in the nation to enforce special protections for "sexual orientation" and "gender identity."

Also pending in the House is the Safe Schools Improvement Act (from Linda Sanchez, D-Calif). It likewise would have a sweeping impact, requiring all K-12 public schools receiving federal funding under "safe and drug-free" programs to add homosexual categories into their anti-bullying policies.

Adding fuel to the fire is the fact that "Safe Schools" czar Kevin Jennings, founder of GLSEN, would likely implement this measure (see sidebar).

"The wake-up call is that we need to be more involved," said Illinois mom Tammy Schulz. "We need to be serving in our schools on our committees and find people who are like-minded to serve on our school boards." ●

FOR MORE INFORMATION

Visit TrueTolerance.org.

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