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September 9, 2010

By Fax and First Class Mail  
Ben C. Small  
Superintendent  
Central Valley School District  
19307 E. Cataldo Avenue  
Spokane Valley, WA 99016  
Fax: (509) 228-5439

Re: **Sexual Education/Abstinence-Only Curricula**

Dear Superintendent Small:

Over the past year, the ACLU of Washington has reviewed the sexual education curricula of a number of Washington State school districts to assess compliance with the State's Healthy Youth Act, adopted in 2007, RCW 28A.300.475. As you know, the law was enacted to ensure that, if schools teach sexual education, it is taught in a scientifically accurate manner, appropriate for all students.

Through our review of the materials comprising Central Valley School District's curricula, we found that various aspects of these materials do not comply with state law. We respectfully ask you to review and update the curricula to bring it into compliance with state law.

In particular, the Healthy Youth Act requires every public school that offers sexual health education to ensure that selected curricula are:

[M]edically and scientifically accurate, age-appropriate, appropriate for all students regardless of gender, race, disability status, or sexual orientation, and includes information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. . . . Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention.

WASH. REV. CODE § 28A.300.475(1). Additionally, school districts have an obligation to eliminate sex bias in all textbooks and instructional materials. WASH. ADMIN. CODE 392-190-055. As discussed below, many of the materials that comprise Central Valley School District's curricula satisfy neither the Act's requirements nor the District's obligation to eliminate sex bias; for example:

- The publication entitled "**Condoms & Pregnancy**" claims that condoms have a high failure rate due to breakages. This is untrue: recent findings reliably estimate the rate of condom slippage and breakage as

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between 1.5 and 3.6 percent. *See, e.g.*, NAT'L INST. OF ALLERGY & INFECTIOUS DISEASES, NAT'L INSTS. OF HEALTH, U.S. DEP'T OF HEALTH & HUMAN SERVS., WORKSHOP SUMMARY: SCIENTIFIC EVIDENCE ON CONDOM EFFECTIVENESS FOR SEXUALLY TRANSMITTED DISEASE (STD) PREVENTION (2001). This publication also incorrectly asserts that condoms represent an ineffective form of birth control for teenagers. Recent research demonstrates, however, that contraceptive failure rates for teenagers are not only similar to, but may be lower than, the failure rates for women in their twenties. Ranjit, N. et al., *Contraceptive Failure in the First Two Years of Use: Differences Across Socioeconomic Subgroups*, 33 *Family Planning Perspectives* 19, 25-26 (2001). Further, this publication incorrectly suggests that condoms are effective at reducing the risk of HIV infection only when used over an 18-month period. In fact, more experienced condom users have increased rates of efficacy and lower failure rates. *See, e.g.*, Warner, L. *Male Condoms*, *Contraceptive Technology* 331 (Robert A. Hatcher et al. eds., 18th rev. ed.) (2004).

- The “**Human Growth & Development**” materials and “**AIDS/STD**” slides state that contracting HIV is a “death sentence.” With the availability of antiretroviral drugs, this is no longer true.
- “**It Ain’t Worth It**” states that condoms fail to prevent pregnancy in young people 36 percent of the time and compares condom usage to the playing of Russian Roulette. Research, however, demonstrates that during the first year of condom use, women under the age of 18 experience a 14.5 percent failure rate, while women ages 20 to 24 experience a failure rate of 17.8 percent; during the second year of condom use, the failure rate for women under the age of 18 drops to 11.2 percent, and the failure rate for women ages 20 to 24 drops to 11.9 percent. *See, e.g.*, Ranjit, *supra* ¶ 4, at 25-26. Additionally, this publication’s inclusion of religious themes and invocation of God and Jesus (e.g., “Jesus loves you and Jesus wants you”; “[b]eing young and healthy is one of God’s most precious gifts...”) are violative of the state and federal constitutions because they promote religion with government dollars in a public school setting.
- The video “**Sex, Lies & ... The Truth**” not only contains medical inaccuracies but also, and most disturbingly, repeatedly references God, Christianity, and Scripture; for example, the video says that “God designed marriage and set it up this way to abstain from sex until you are married for our own protection.” These references violate the state and federal constitutions for the reasons mentioned above.
- The “**Sex-Ed: No Screwin’ Around**” program misspells common STDs throughout and even goes so far as to concoct a fake STD (i.e., no STD called “vulvadymia” exists).

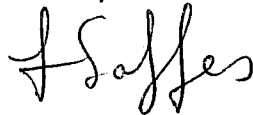
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The issues highlighted above represent only a sample of what our review uncovered. We hope that you will, in the interest of providing your students the best education possible, review and update the District's curricula to bring it into compliance with state law. Curricular materials that meet state standards are identified in a 2009 review of commonly used sexual health education programs performed by the Office of Superintendent of Public Instruction and the Department of Health. Please see the Office of Superintendent of Public Instruction's website for the findings from this review.

We plan to follow-up with you by phone to further discuss our concerns. In the interim, please feel free to contact us at any time.

Sincerely,



Lindsey Soffes  
Staff Attorney

cc: Randy Dorn, State Superintendent of Public Instruction  
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