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September 9, 2010

By Fax and First Class Mail

Darcy Weisner
Superintendent
Clarkston School District
1294 Chestnut Street
P.O. Box 70
Clarkston, WA 99403-0070
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Re: **Sexual Education/Abstinence-Only Curricula**

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
FOUNDATION
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JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Dear Superintendent Weisner:

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 Clarkston 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 the District's curricula satisfy neither the Act's requirements nor the District's obligation to eliminate sex bias.

I. Medical Inaccuracies

Following are examples of medical and scientific inaccuracies in the curricula used by Clarkston School District:

- The **STD/HIV Health & Wellness Curriculum** suggests that pregnancy can result from “heavy petting.” This statement is inaccurate: pregnancy does not result from heavy petting.
- The **Glencoe Health Booklet, “Choosing the Best Way,”** and **“Do Condoms Make Sex Safe Enough?”** claim that condoms are not effective at protecting against Human Papillomavirus (HPV). This statement is extremely misleading, because, in fact, condoms do provide protection against HPV when they cover the lesions or ulcers that transmit the disease. *See, e.g., Rachel L. Winer et al., Condom Use and the Risk of Genital Human Papillomavirus Infection in Young Women, 354 NEW ENG. J. MED. 2645, 2650-51 (2006).*
- **“Choosing the Best Way”** claims that typical couples who use condoms to avoid pregnancy experience a first-year failure rate of 15 percent. **“Parents, Teens, and Sex: the Big Talk Book”** claims that couples who use condoms over four years have a 50 percent chance of getting pregnant. And, **“Your Kids at Risk: How Teen Sex Threatens Our Sons and Daughters”** teaches that condoms are not effective in preventing pregnancy and sexually transmitted infections. All of these statements are false. The failure rate for condoms, when used consistently and correctly for every act of intercourse, is two percent. *See, e.g., Lee Warner et al., Male Condoms, in CONTRACEPTIVE TECHNOLOGY 331 (Robert A. Hatcher et al. eds., 18th rev. ed. 2004).*

II. Discrimination and Bias

By including discriminatory statements about certain classes of students, the curricula do not meet the State’s requirement that they be appropriate for all students.

- **“What Love Really Is”** suggests that, “[e]xcept for those people who have disabilities, just about everyone in America can avoid poverty.” The implication that people with disabilities are destined to live in poverty is highly offensive, inaccurate, and inappropriate.
- The **WAIT Training** program listed in the District’s Materials Log is a highly problematic curriculum. For instance, it reinforces outmoded gender stereotypes by listing “Financial Support” as one of the “5 Major Needs of Women” and “Domestic Support” as one of the “5 Major Needs of Men.” It also includes a similarly-problematic chart of the top five basic needs of men and women; the chart lists “Sexual Fulfillment” and “Physical Attractiveness” for men and “Affection,” “Conversation,” “Honesty and Openness,” and

“Family Commitment” for women. We encourage the District to remove this program from its Materials Log.

- “**Questions Kids Ask About Sex – Honest Answers for Every Age**” also promotes outmoded gender stereotypes by suggesting that wives should submit to sex with their husbands even when not in the mood; that, although husbands feel rejected if their wives do not want to have sex with them, the same is not true vice versa; and, that oral sex is a “guy thing.” Reinforcing these outdated gender stereotypes is highly problematic.
- “**Questions Kids Ask About Sex – Honest Answers for Every Age**” contains extremely biased and outdated information about homosexuality. It states that “boys don’t marry boys, and girls don’t marry girls”; if a boy dresses up like a girl, his parents should have him seek professional attention; and, if a boy or girl has homosexual feelings, he or she should resist acting on them and seek professional help. Further, this publication states that, although “[t]he exact origins of homosexual feelings are still unknown, [] the dangers of homosexual behavior, both physical and emotional, are well-known,” and equates homosexuality with alcoholism (overcoming both is not easy, but possible). This type of bias has no place in our schools.
- The repeated emphasis on marriage in many materials, such as “**What Love Really Is,**” can be hurtful and alienating for students who live or have lived in single-parent households. Further, the focus on marriage is not appropriate for LGBTQ students and students whose parents are of the same sex—these students and their parents cannot, by law, marry in Washington State; instructing them that they cannot have a family or be sexually active unless and until they are married alienates and discriminates against them.

III. Constitutional Violations

The promotion of religion in several of the materials violates the state and federal constitutions.

- “**Unprotected: A Campus Psychiatrist Reveals How Political Correctness in Her Profession Endangers Every Student**” states that believing in God is good for you; that churchgoers live longer; that students should be asked whether they believe in God and pray; and that, along with prescriptions for medication, counselors should give referrals to priests and rabbis. Promoting religion with government dollars in a public school setting is unconstitutional.

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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