



EXHIBIT NO. 9
DATE 3.6.13
BILL NO. HB 239

American Civil Liberties Union
of Montana
P.O. Box 1317
Helena, MT 59624
www.aclumontana.org

Dear Members of the Senate Public Health Committee,

The American Civil Liberties Union of Montana opposes HB 239. This bill would severely limit the choices of local school districts when it comes to providing sexual education curriculum and would eliminate the ability of school boards and local communities to provide a well-rounded education for all students. Additionally, this bill would prevent districts from allowing individuals or groups that they think are best suited to provide information and instruction to do so.

Under HB 239, school districts would be prohibited from providing any instruction or organized school function that involves sexual education or human sexuality issues unless the school has received the written permission of the student's parents. This prohibition will place school districts in direct conflict with the accreditation standards set by the state Board of Education. Under our state constitution, curriculum decisions are vested with the Board of Education and local school districts. The Board sets accreditation standards that specify certain minimum requirements, and districts then adopt curriculum guidelines to meet those standards. HB 239 unconstitutionally usurps the decision-making authority of the State Board of Education and of local school districts by prohibiting local districts from providing sexual education instruction that would meet the Board's accreditation standards.

There are many lesson plans that would potentially present information that is different from an individual family's belief system, yet, this bill singles out only one type of subject matter for different treatment under our state law. As a result of this bill, many teens will be denied the information they need to make informed and healthy choices. Because many school districts do not have the resources necessary to track which students have received their parents' permission, districts will simply decline to offer this instruction and will remove the affected material from circulation.

HB 239 draws arbitrary lines that will deny students access to critical information. Sexual education curricula give students the tools they need to prevent pregnancy and sexually-transmitted infections, to develop healthy relationships, and to address dating violence and sexual assault. With many young women becoming pregnant unintentionally, now it is more important than ever to provide students with the best information possible. Knowledge is power and instead of disarming our young people we should be equipping them with the tools they need to make good choices. That is why leading medical associations, such as the American Academy of Pediatrics, the American Public Health Association, and the American Medical Association, support providing students with comprehensive, medically accurate sexual education.

Additionally, this bill relies on the flawed assumption that there is an inherent conflict between providing abortion services and providing accurate, unbiased information on the topic of sexual education and reproductive health. This bill prohibits any individual or entity that provides abortion



services from providing materials or instruction to school districts. By prohibiting such individuals or groups from offering their expertise and materials, this bill takes away the ability of local educators to bring in the person or entity that they think is most qualified to provide this information.

In the end, this bill disregards local community decisions on the issue of sexual education curriculum. Local school districts need to have the ability to develop curriculum that meets state standards, responds to the needs of their students, and reflects local input. Instead, HB 239 creates unnecessary barriers for school districts and replaces local decision-making with legislative interference.

Respectfully,

A handwritten signature in cursive script, appearing to read "Niki Zupanic".

Niki Zupanic
Public Policy Director