

Testimony for HB 5158 and 5163
September 9, 2009
House Judiciary Committee
Submitted by Dan Jarvis, Research and Policy Director

Mr. Chairman, members of the committee, my name is Dan Jarvis. I am the research and policy director for Michigan Family Forum, a non-profit family policy organization based in Lansing. We focus our efforts on family formation and preservation issues including adoption, births to unwed mothers and teenage pregnancies. Based on our experience in those areas, we are opposed to HB 5158 and 5163. I would like to address HB 5163 first.

In 2004, the legislature changed the sex education provisions in the School Code. That legislation passed the senate 30-6, the house 95-6 and was signed by Governor Granholm to become Public Act 165. We were strong supporters of this legislation. The new law requires schools to encourage students to avoid sexual activity but it also gives local districts the freedom to provide risk reduction information if they choose to do so. This compromise appropriately balances the best public health choice (avoiding sexual activity) with the current reality (recognizing that some young people will engage in sex).

The legislation preserved the long-held tradition of allowing each district the right to decide whether or not sex education was appropriate for their district. In 2005, the Michigan Department of Education conducted a survey of local school districts. Ninety-One percent (502 districts) of Michigan's districts responded to the survey. Eighty-Four percent (424 districts) indicated that they offered a sex education program.

This legislation includes language that will require every school district to provide a sex education program to students in their district. While sex education may be valuable, it should be each district's decision whether or not they provide it. Roughly 80 districts have made a deliberate decision not to offer sex education. Whether that be a result of cost, educational priorities, or an effort to avoid a controversial subject, the legislature should not overturn a local community's decision.

That same MDE survey revealed that fifty-one percent of middle schools and twenty percent of high schools offer an abstinence-only sex education program. While these districts may discuss contraception, they have made a deliberate choice to avoid teaching about how to use contraceptives. The word "comprehensive" generally requires teaching students how to use contraceptives. If this is the meaning of the word "comprehensive" here, this legislation is overriding the wishes of parents and elected school board members in over 100 school districts statewide. If that term applies to middle school programs, then this legislation overrides the wishes of half of Michigan's districts.

SIECUS, the Sexuality Information and Education Council of the United States, is one of the oldest and largest sexuality information networks in the country. SIECUS is a strong advocate of comprehensive sexuality education and they list four main goals for comprehensive sex education:

- To provide accurate *information* about human sexuality.
- To provide an opportunity for young people to develop and understand their *values*, *attitudes*, and *beliefs* about sexuality.
- To help young people develop *relationship* and *interpersonal skills*.
- To help young people exercise *responsibility* regarding sexual relationships, including addressing abstinence, pressures to become prematurely involved in sexual intercourse, and the use of contraception and other sexual health measures.

There is probably very little disagreement with the first 90 percent of those stated goals. The only disagreement comes with the last phrase--teaching young people how to use contraception. If we pass this legislation in order to compel every school district to adopt this last phrase, then this legislation is about social change, not the sexual health of young adults.

If there is one area of the sex education law that needs to be changed, we would recommend you consider amending Sec. 1507, paragraph 4, subpart “c”. That paragraph requires districts to evaluate, measure and report the attainment of their program goals and objectives. This year, Michigan Family Forum examined over 100 of these reports and we found a great many of them lacked meaningful information to help guide the program or inform parents. Several districts freely admitted that they have not even produced a report.

Our organization identified four key components to an informative report: Were program goals and objectives listed; Were program goals and objectives measured; Was evaluation data provided, and; Was an evaluation narrative provided. The Michigan Department of Education provides school districts with a very helpful, 7 page sample report that includes all of these elements. We found that only 9% of local school districts included all four elements in their reports. Fully 62% of the responding districts included only one or none of these crucial elements required by law.

If the legislature wants to be truly helpful in the area of sex education, you do not need to focus on the content of what districts choose to teach. Instead, you should be encouraging them to make sure that they are effective in whatever it is that they choose to teach.

I encourage the members of this committee to vote “No” on HB 5163.

I would like to spend just a moment on HB 5158. In the nearly 20 years of Michigan Family Forum’s existence, virtually every employee and board member of our organization has served as a board member, volunteer or donor to various pregnancy care centers around the state. These centers offer tangible support to young women and their babies at a time of real need. Women are not compelled or tricked into walking through the doors of a pregnancy care center. They are seeking help and they find it in these non-profit centers.

Anyone familiar with pregnancy care centers knows that they are staffed and supported by pro-life individuals and they are often faith-based. Requiring a pregnancy care center to provide a directory of clinics that provide abortion-related services is an assault on both the pro-life and religious beliefs of center supporters.

Pregnancy care centers represent one of the few areas where individuals with diverse views on the abortion issue should be able to agree. These centers are apolitical, humanitarian and help build a compassionate community. Why we would focus our efforts on these relatively small organizations is baffling.

As currently written, the definition of “crisis pregnancy organization” could include any non-profit that provides services, including churches, Salvation Army and YWCA. However, even if you add clarifying language to limit it to non-profits that provide these services as a significant portion of their work, you still would capture non-profit organizations such as Planned Parenthood in this bill.

Michigan Family Forum strongly objects to every portion of HB 5158 and we strongly urge all members to vote against this bill.