



## DELAWARE

***Delaware received \$711,494 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2006.<sup>1</sup>***

### **Delaware Sexuality Education Law and Policy**

Delaware requires sexuality education as part of health education in kindergarten through twelfth grade. This education must be coordinated by an employee in each school district and must be overseen by a District Consolidated Application Planning Committee. The Committee must consist of teachers, parents, school nurses, community leaders, law enforcement, and other community members. Sexuality education courses must also follow the *Delaware Health Education Curriculum*.

Sexuality education must include an “HIV-prevention program that stresses the benefits of abstinence from high-risk behaviors.” Delaware law also sets a minimum number of hours for “comprehensive health education and family life education.” In kindergarten through grade four, this minimum is set at 30 hours in each grade, 10 of which must be dedicated to drug/alcohol education. In grades five and six, the minimum is set at 35 hours per grade, 15 of which must be dedicated to drug/alcohol education. In grades seven and eight, the minimum is set at 60 hours per grade, 15 of which must be dedicated to drug/alcohol education. In order to graduate, high school students must receive one-half of a credit in comprehensive health education.

Delaware does not require parental permission for students to participate in sexuality or HIV/AIDS education nor does it say whether parents or guardians may remove their children from such classes.

See Delaware Administrative Code 14-851, and *Delaware Health Education Curriculum*.

### **Recent Legislation**

SIECUS is not aware of any proposed legislation regarding sexuality education in Delaware.

### **Events of Note**

*Teacher Sues Catholic School After Being Fired for Pro-Choice Beliefs*  
December 2004; Wilmington, DE

An English teacher at Ursuline Academy, an independent Catholic school for girls in Wilmington was fired in late January 2003 after school officials saw her name listed in an advertisement commemorating the *Roe v. Wade* decision. The school follows the anti-choice stance of the Catholic Church and said they fired the teacher for not adhering to the church’s teachings. Before firing her, they gave her the options of resigning or publicly recanting her pro-choice beliefs. School officials argued that she should have known about the school’s stance on abortion.

The teacher said she was surprised when the school took issue with her name appearing in the ad. She had volunteered with Planned Parenthood since April of 2002, although she had never stated her involvement in public. She said, “I felt fairly humiliated and beside myself about it. Nothing I did publicly ever had anything to do with the classroom. What was more upsetting was that I realized I couldn’t go back to the classroom.”<sup>2</sup> In response, the teacher filed a federal discrimination complaint with the U.S. Equal Employment Opportunity Commission (EEOC) accusing the school of gender and pregnancy discrimination.<sup>3</sup>

In early November 2003, the teacher filed a federal lawsuit claiming that she was illegally fired for supporting abortion rights because she is a woman. She claims that the church and the school have not taken similar actions against men who did not follow church doctrine. The lawsuit was filed against the school, the school’s former president, the school’s communications director, as well as the Catholic Diocese of Wilmington and the head of the Diocese. It claimed that the teacher’s rights to express freely her views on abortion, as protected by the Civil Rights Act, were violated. It further contended that her privacy rights were violated because school officials spoke publicly about the firing. She sought reinstatement of her job, back pay, and punitive damages.

In November 2004, a federal judge threw out the lawsuit, ruling that courts cannot hinder the right of religious institutions to teach their own values. In December 2004, the teacher filed an appeal with the U.S. Court of Appeals for the Third Circuit in Philadelphia, which was heard in January 2006. The outcome of the appeal is pending.

#### **Delaware’s Youth: Statistical Information of Note<sup>4</sup>**

- In 2005, 51% of female high school students and 59% of male high school students in Delaware reported ever having had sexual intercourse compared to 46% of female high school students and 48% of male high school students nationwide.
- In 2005, 5% of female high school students and 17% of male high school students in Delaware reported having had sexual intercourse before age 13 compared to 4% of female high school students and 9% of male high school students nationwide.
- In 2005, 16% of female high school students and 22% of male high school students in Delaware reported having had four or more lifetime sexual partners compared to 12% of female high school students and 17% of male high school students nationwide.
- In 2005, 40% of female high school students and 39% of male high school students in Delaware reported being currently sexually active (defined as having had sexual intercourse in the three months prior to the survey) compared to 35% of female high school students and 33% of male high school students nationwide.
- In 2005, among those high school students who reported being currently sexually active, 57% of females and 71% of males in Delaware reported having used condoms the last time they had sexual intercourse compared to 56% of females and 70% of males nationwide.
- In 2005, among those high school students who reported being currently sexually active, 19% of females and 16% of males in Delaware reported having used birth control pills the last time they had sexual intercourse compared to 21% of females and 15% of males nationwide.

## DELAWARE

- In 2005, among those high school students who reported being currently sexually active, 16% of females and 26% of males in Delaware reported having used alcohol or drugs the last time they had sexual intercourse compared to 19% of females and 28% of males nationwide.
- In 2005, 91% of high school students in Delaware reported having been taught about AIDS/HIV in school compared to 88% of high school students nationwide.
- In 2000, Delaware's abortion rate was 31 per 1,000 women ages 15–19 compared to a teen abortion rate of 24 per 1,000 nationwide.<sup>5</sup>
- In 2004, Delaware's birth rate was 44 per 1,000 women ages 15–19 compared to a teen birth rate of 41 per 1,000 nationwide.<sup>6</sup>

### **Title V Abstinence-Only-Until-Marriage Funding**

Delaware received \$93,978 in federal Title V funds in Fiscal Year 2006. The Title V abstinence-only-until-marriage grant requires states to provide three state-raised dollars or the equivalent in services for every four federal dollars received. The state match may be provided in part or in full by local groups. SIECUS was unable to obtain information on how the required match is made up in Delaware. The Delaware Department of Health and Social Services oversees the funding.

Delaware targets its Title V abstinence-only-until-marriage programs at young people ages 17 and younger. The programs have three goals:

- Promote abstinence for adolescents ages 9–14;
- Encourage parents to accept responsibility for proactive and preventive sexuality education of their children; and
- Increase community awareness about the importance of teen pregnancy prevention and the gains to be realized from teens abstaining from sexual activity.<sup>7</sup>

There are four sub-grantees in Delaware: the Boys and Girls Club of Liberty Court (Dover); the Boys and Girls Club of Milford; A Door of Hope; and Nike Canaan Full Gospel.

A Door of Hope is a crisis pregnancy center. Crisis pregnancy centers typically advertise as providing medical services and then use anti-abortion propaganda, misinformation, and fear and shame tactics to dissuade women facing unintended pregnancy from exercising their right to choose.

### **Community-Based Abstinence Education (CBAE) and Adolescent Family Life Act (AFLA) Grantees**

There is one CBAE grantee in Delaware: Professional Counseling Resources, Inc. There are no AFLA grantees in Delaware.

D E L A W A R E

**Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2006**

<b>Abstinence-Only-Until-Marriage Grantee</b> <b>Length of Grant</b>	<b>Amount of Grant</b>	<b>Type of Grant (includes Title V, CBAE, AFLA, and other funds)</b>
Delaware Department of Health and Social Services  <a href="http://www.dhss.delaware.gov/dhss/">www.dhss.delaware.gov/dhss/</a>	\$93,978 federal	Title V
Boys and Girls Club of Liberty Court (Dover)	\$49,995	Title V sub-grantee
Boys and Girls Club of Milford  <a href="http://www.bgclubs.org/bg_clubs.html">www.bgclubs.org/bg_clubs.html</a>	\$45,620	Title V sub-grantee
Door of Hope  <a href="http://www.adoorofhope.org">www.adoorofhope.org</a>	\$45,050	Title V sub-grantee
Nike Canaan Full Gospel	\$10,000	Title V sub-grantee
Professional Counseling Resources, Inc.  2005–2006	\$617,516	CBAE

**Title V Abstinence-Only-Until-Marriage Coordinator**

Fred MacCormack  
 Delaware Department of Health and Social Services  
 Division of Public Health  
 Jesse Cooper Building  
 P.O. Box 637  
 Dover, DE 19903  
 Phone: (302) 744-5409

**Delaware Organizations that Support Comprehensive Sexuality Education**

ACLU of Delaware  
 100 West 10<sup>th</sup> St., Suite 309  
 Wilmington, DE 19801  
 Phone: (302) 654-3966  
[www.aclu-de.org](http://www.aclu-de.org)

Delaware Women's Conference  
 P.O. Box 7855  
 Newark, DE 19714  
 Phone: (302) 761-8005  
[www.delawarewomen.org](http://www.delawarewomen.org)

DELAWARE

Delaware Women's Health Organization  
312 Mitch Rd.  
Wilmington, DE 19804  
Phone: (302) 992-7996  
[www.gynpages.com/dwho/](http://www.gynpages.com/dwho/)

Planned Parenthood of Delaware  
625 Shipley St.  
Wilmington, DE 19801  
Phone: (302) 655-7293  
[www.ppdell.org](http://www.ppdell.org)

**Delaware Organizations that Oppose Comprehensive Sexuality Education**

Delaware Pro-Life Coalition  
400 New London Rd.  
Newark, DE 19711  
Phone: (302) 368-0329  
[www.delawareprolife.org](http://www.delawareprolife.org)

Delaware Right To Life  
P.O. Box 1222  
Wilmington, DE 19899  
Phone: (302) 832-9600  
[www.derighttolife.org](http://www.derighttolife.org)

Intercollegiate Studies Institute  
3901 Centerville Rd.  
P.O. Box 4431  
Wilmington, DE 19807  
Phone: (302) 652-4600  
[www.isi.org](http://www.isi.org)

**Newspapers in Delaware**

*Delaware State News*  
Medical/Health Editor  
P.O. Box 737  
Dover, DE 19903  
Phone: (302) 674-3600

*The News Journal*  
Greg Burton  
City/State Editor  
P.O. Box 15505  
Wilmington, DE 19850  
Phone: (302) 324-2882

*The News Journal*  
Ken Mammarella  
News Editor  
P.O. Box 15505  
Wilmington, DE 19850  
Phone: (302) 324-2853

*The News Journal*  
John Sweeney  
Editor  
P.O. Box 15505  
Wilmington, DE 19850  
Phone: (302) 324-2891

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<sup>1</sup> This refers to the fiscal year for the Federal Government which begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; for example, Fiscal Year 2006 begins on October 1, 2005 and ends on September 30, 2006.

<sup>2</sup> M. Balaji, "Ursuline Teacher Fired After Name in Ad," *DelawareOnline.com* (Service of *The News Journal*), 29 January 2003.

<sup>3</sup> M. Balaji, "Fired Teacher Files Federal Complaint," *The News Journal*, 25 February 2003.

<sup>4</sup> Unless otherwise cited, all statistical information comes from: Danice K. Eaton, et. al., "Youth Risk Behavior Surveillance—United States, 2005," *Surveillance Summaries, Morbidity and Mortality Weekly Report*, vol. 55, no. SS-5 (9 June 2006): 1-108, accessed 26 January 2007, <<http://www.cdc.gov/HealthyYouth/yrbs/index.htm>>.

<sup>5</sup> U.S. *Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information* (New York: The Guttmacher Institute, February 2004), accessed 26 January 2007, <<http://www.guttmacher.org/pubs/2006/09/12/USTPstats.pdf>>.

DELAWARE

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<sup>6</sup> *National Vital Statistics Reports 55.01* (Hyattsville, MD: National Center for Health Statistics, 2006), 10, accessed 26 January 2006, <[http://www.cdc.gov/nchs/data/nvsr/nvsr55/nvsr55\\_01.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr55/nvsr55_01.pdf)>.

<sup>7</sup> “Abstinence Education,” Delaware Department of Health and Social Services, Division of Public Health (15 August 2005), accessed 24 March 2007, <<http://www.dhss.delaware.gov/dph/chca/dphahabed01.html>>.