



DELAWARE

Delaware received \$95,866 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2004.¹

Delaware Sexuality Education Law

Delaware requires sexuality education to be taught 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 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 fourth grade, this minimum is set at 30 hours in each grade, 10 of which must address drug/alcohol education. In fifth and sixth grade, the minimum is set at 35 hours per grade, 15 of which must be drug/alcohol education. In seventh and eighth grade, the minimum is set at 60 hours per grade, 15 of which must be drug/alcohol education. In ninth through twelfth grade, one-half of a credit of comprehensive health education is required for graduation, for which at least 15 hours of education on drug/alcohol must be provided.

Delaware does not have a policy by which parents or guardians are notified or can remove their children from sexuality education classes.

See Delaware Administrative Code 14-851.

Recent Legislation

SIECUS is not aware of any recent 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, Delaware, was fired in late January 2003 after school officials saw her name on a list in an advertisement commemorating the *Roe v. Wade* decision. The school abides by the anti-abortion 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 option to resign or to publicly recant 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 the previous year, 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."²

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.³

In early November 2003, the former 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 current communications director, as well as the Catholic Diocese of Wilmington and the head of the Diocese. It claims that the former teacher's rights to freely express her views on abortion, as protected by the Civil Rights Act, were violated. It further contends that her privacy rights were violated because school officials spoke publicly about the firing. The former teacher 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. The outcome of the appeal is not yet known.

Delaware's Youth: Statistical Information of Note⁴

- In 2003, 56% of female high school students and 59% of male high school students in Delaware reported ever having had sexual intercourse compared to 45% of female high school students and 48% of male high school students nationwide.
- In 2003, 7% of female high school students and 16% of male high school students in Delaware reported having had sexual intercourse before age 13 compared to 4% of female high school students and 10% of male high school students nationwide.
- In 2003, 18% of female high school students and 23% of male high school students in Delaware reported having had four or more lifetime sexual partners compared to 11% of female high school students and 18% of male high school students nationwide.
- In 2003, 45% of female high school students and 41% 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 females and 34% of males nationwide.

- In 2003, among those high school students who reported being currently sexually active, 18% of females and 31% of males in Delaware reported having used alcohol or drugs the last time they had sexual intercourse compared to 21% of females and 30% of males nationwide.
- In 2003, among those high school students who reported being currently sexually active, 55% of females and 71% of males in Delaware reported having used condoms the last time they had sexual intercourse compared to 57% of females and 69% of males nationwide.
- In 2003, among those high school students who reported being currently sexually active, 22% of females and 13% of males in Delaware reported having used birth control pills the last time they had sexual intercourse compared to 21% of females and 13% of males nationwide.
- In 2003, 9% of female high school students and 6% of male high school students in Delaware reported ever having been pregnant or gotten someone pregnant compared to 5% of female high school students and 4% of male high school students nationwide.
- In 2003, 92% of high school students in Delaware reported having been taught about HIV/AIDS 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.⁵
- In 2002, Delaware's birth rate was 46 per 1,000 women ages 15-19 compared to a teen birth rate of 43 per 1,000 nationwide.⁶

Title V Abstinence-Only-Until-Marriage Funding

Delaware received \$95,866 in federal Title V funding in Fiscal Year 2004. 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 can be provided in part or in full by local groups. Delaware matches the federal funding with \$86,388 in state funds.

The Delaware Department of Health and Social Services, Division of Public Health has authority over the Title V abstinence-only-until-marriage funding. The Division of Public Health uses some of the federal funding for administrative costs, but uses the bulk of it to fund community groups. These sub-grantees use a variety of curricula, including *A.C. Green's Game Plan* and *Smart Moves*.

SIECUS reviewed *Game Plan* and found that in order to convince high school students to remain abstinent until marriage, the curriculum relies on messages of fear and shame, inaccurate and misleading information, and biased views of marriage, sexual orientation, and family structure. In addition, *Game Plan* fails to provide important information on sexual health including how students can seek testing and treatment if they suspect they may have an STD (Sexually Transmitted Disease). Finally, the format and underlying biases of the curriculum do not allow for cultural, community, and individual values, and discourage critical thinking and discussions of alternate points of view in the classroom. For example,

Game Plan states “even if you’ve been sexually active, it’s never too late to say no. You can’t go back, but you can go forward. You might feel guilty or untrustworthy, but you can start over again.”⁷

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

- Promote abstinence for adolescents 9-14 years of age;
- 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.

Special Projects of Regional and National Significance–Community Based Abstinence Education (SPRANS–CBAE)⁸ and Adolescent Family Life Act (AFLA) Grantees

There are no SPRANS–CBAE or AFLA grantees in Delaware.

Federal Funding for Abstinence-Only-Until-Marriage Programs in FY 2004

Abstinence-Only-Until-Marriage Grantee	Amount of Grant	Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)
Length of Grant		
Delaware Department of Health and Social Services, Division of Public Health www.state.de.us/dhss/dph/	\$95,866 federal \$86,388 state	Title V
Boys and Girls Club www.bgclubs.org/bg_clubs.html	\$20,000	Title V sub-grantee
Boys and Girls Club www.bgclubs.org/bg_clubs.html	\$24,250	Title V sub-grantee
Family Advisory and Resource Center	\$10,000	Title V sub-grantee
Professional Counseling	\$15,0000	Title V sub-grantee

Title V Abstinence-Only-Until-Marriage Coordinator

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Delaware Department of Health and Social Services
Division of Public Health
Jesse Cooper Building
PO Box 637
Dover, DE 19903
Phone: (302) 741-2980

Delaware Organizations that Support Comprehensive Sexuality Education

American Civil Liberties Union
100 West 10th St., Suite 309
Wilmington, DE 19801
Phone: (302) 654-3966
www.aclu-de.org

Delaware Pro-Choice Medical Fund
PO Box 1942
Wilmington, DE 19809
Phone: (302) 656-9838

Delaware Women's Conference
PO Box 7747
Newark, DE 19714
Phone: (302) 761-8005
www.delawarewomen.org

Delaware Women's Health Organization
312 Mitch Rd.
Wilmington, DE 19804
Phone: (302) 992-7996

Planned Parenthood of Delaware
625 Shipley St.
Wilmington, DE 19801
Phone: (302) 655-7293
www.ppdela.org

Delaware Organizations that Oppose Comprehensive Sexuality Education

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

Delaware Right To Life
PO Box 1222
Wilmington, DE 19899
Phone: (302) 832-9600
delburgess0.tripod.com/delawarerighttolife/index.html

Intercollegiate Studies Institute
(ISI)
3901 Centerville Rd.
PO Box 4431
Wilmington, DE 19807-0431
Phone: (302) 652-4600
www.isi.org

Newspapers in Delaware

Delaware State News
Drew Ostroski
Medical/Health Editor
429 Webbs Ln.
Dover, DE 19904
Phone: (302) 741-8250

The News Journal
Murali Balaji
Education Reporter
PO Box 15505
Wilmington, DE 19850
Phone: (302) 324-2553

The News Journal
Mike Chalmers
Social Issues Reporter
PO Box 15505
Wilmington, DE 19850
Phone: (302) 324-2790

The News Journal
Edward Kenney
Community News Reporter
950 W. Basin Rd.
New Castle, DE 19720
Phone: (302) 324-2891

¹ 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 2004 begins on October 1, 2003 and ends on September 30, 2004.

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

³ M. Balaji, "Fired Teacher Files Federal Complaint," *The News Journal*, Wilmington, DE, 25 February 2003.

⁴ Unless otherwise cited, all statistical information comes from: Jo Anne Grunbaum, et. al., "Youth Risk Behavior Surveillance—United States, 2003," *Surveillance Summaries, Morbidity and Mortality Weekly Report* 53.SS-2 (21 May 2004), 1-95, accessed 28 January 2005, <<http://www.cdc.gov/nccdphp/dash/yrbs/>>.

⁵ *U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information* (New York: Alan Guttmacher Institute, February, 2004), accessed 28 January 2005, <www.guttmacher.org>.

⁶ *National Vital Statistics Reports 52.10* (Hyattsville, MD: National Center for Health Statistics, 2003), 48, accessed 4 February 2005, <<http://www.cdc.gov/nchs/births.htm#stat%20tables>>.

⁷ Scott Phelps and Libby Gray, *A.C. Green's Game Plan* (Golf, IL: Project Reality, 2001), 45.

⁸ In FY 2004 SPRANS–CBAE was administered with in the U.S. Department of Health and Human Services (HHS) by the Maternal and Child Health Bureau. In FY 2005 this funding stream was moved to HHS' Administration for Children and Families and is now referred to simply as Community Based Abstinence Education (CBAE).