



MASSACHUSETTS

*Massachusetts received \$1,534,699 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2005.*¹

Massachusetts Sexuality Education Law and Policy

Massachusetts does not require sexuality education and instead allows local school boards to make such decisions. In 1990, the Massachusetts Board of Education approved a policy that:

[U]rges local school districts to create programs which make instruction about AIDS/HIV available to every Massachusetts student at every grade level. These programs should be developed in a manner which respects local control over education and involves parents and representatives of the community. The Board believes that AIDS/HIV prevention education is most effective when integrated into a comprehensive health education and human services program.

In addition, the *Massachusetts Comprehensive Health Framework* suggests curricula for schools.

If a community decides to implement sexuality education, it must develop standards with the guidance of community stakeholders, including parents, students, teachers, counseling professionals, health professionals, representatives of local religious groups, and representatives of local social service and health agencies. In addition, the program must be taught in kindergarten through twelfth grade; must discuss HIV/AIDS, teen pregnancy, family violence, sound health practices; and must “define sexual orientation using the correct terminology (such as heterosexual and gay and lesbian).”

The school district must also ensure that parents and/or guardians receive notification about the sexuality education policy. Parents may remove their children from any or all of this instruction. This is referred to as an “opt-out” policy.

See General Laws of Massachusetts, Title XII, Chapter 69 Section 1L; Chapter 71, Section 1, Section 32A, and Section 38O; and *Massachusetts Comprehensive Health Framework*.

Recent Legislation

Governor Would Change Usage of Abstinence-Only Funds

House Bill 42 and 44 would have amended Massachusetts’ Fiscal Year 2005 budget to say “funds dedicated to the abstinence education project in the department of public health shall be used solely for classroom education, and not for advertising or media purchases.”

The amendment was initiated by the Governor and rejected by both the House and Senate and sent back to the Governor. The Governor vetoed this rejection and sent the bill back to the House for reconsideration. The Legislature did not revote on the bill; nonetheless the Governor ignored this and changed the usage of the funds.

Legislation Would Require Opt-In for Human Sexual Education

House Bill 1011 and House Bill 1166 would require parent or guardian permission for any class focusing on “human sexual education or human sexuality issues.” However, schools could dispense with permission if the “school principal or his designee” finds that such notification would be detrimental to the well being of the student.” It further states that such classes cannot be mandatory. Both bills were introduced in January 2005 and were heard by the Joint Committee on Education.

Bill Would Require Parental Permission for Sexuality Education

House Bill 1015, introduced in January 2005 and referred to the Joint Committee on Education, would require written permission from a parent or guardian before a student could participate in sex education. In addition, sex education could only be offered on an elective basis and no teacher or employee who felt the education violated his or her religious beliefs could be required to participate. HB 1015 varies slightly from HB 1166, which was also introduced in January 2005. The bill has been heard by the Joint Committee.

Legislation Would Include HIV/AIDS Prevention in Health Education

Introduced in January 2005 and referred to the Joint Committee on Education, House Bill 1079 would require HIV/AIDS-prevention education to be included in health education. The bill has been heard by the Joint Committee.

Bill Would Create Local School Health Advisory Committees

House Bill 1214, introduced in January 2005 and referred to the Joint Committee on Education, would require the creation of a school health advisory council in each school district. The council would be responsible for determining the number of instruction hours and choosing curricula. The majority of council members must be parents of students enrolled in the school district. The parents must not be employed by the school district. The school board is allowed to appoint the rest of the board at its own discretion.

Act to Promote Healthy Behaviors Introduced

Introduced in January 2005 and referred to the Joint Committee on Public Health and the Joint Committee on Children and Families, House Bill 2712 and Senate Bill 101 would require the establishment of a program of community-based health and sexuality education services to be provided by family planning agencies. This program would focus on high-risk populations, parents and guardians of young people, and youth-serving organizations. The bills have been heard by the Joint Committee on Public Health and have been passed by Joint Committee on Children and Families.

Legislation Would Create Health Education Curriculum Committee

House Bill 1638, introduced in January 2005 and referred to the Joint Committee on Public Health, would require each school district to establish a Health Education Curriculum Committee. This Committee would “research and make recommendations on a comprehensive,

age-appropriate, factually, and medically accurate health education curriculum for grades K-12.” Schools that already have a health education program that meets the aforementioned requirements would be exempt. Each school district would also be charged with adopting a parental notification policy. HB 1638 varies slightly from HB 1166, which was also introduced in January 2005. The bill has been heard by the Joint Committee.

Bill Would Create Teen Pregnancy Prevention Program

House Bill 2855, introduced in January 2005 and referred to the Joint Committee on Public Health, would create a program that would train “mothers ... who became pregnant while unwed” to work in a two-year long program in public schools. The bill has been heard by the Joint Committee.

Events of Note

Governor Changes Use of Title V Funds

2005; Boston, MA

Governor Mitt Romney has ignored a legislative veto in an effort to change the way that Massachusetts spends Title V abstinence-only-until-marriage funding. Since the funding began, Massachusetts has used its Title V funds for a media campaign. Governor Romney’s proposal, however, requires the Massachusetts Department of Health to fund in-classroom instruction.

Governor Romney initially proposed this change to the Massachusetts legislature, which overwhelmingly rejected it. The proposal was rejected 105 to 44 in the Massachusetts House and by a voice vote in the Senate.² The Governor vetoed that rejection, but the session ended without the legislature voting on his veto. The lack of a vote effectively killed the proposal. Nonetheless, the Governor disregarded this and changed the way the funds are used anyway.

Many of the lawmakers who voted against the proposal were concerned that the funding for abstinence-only-until-marriage instruction would encourage schools to replace their existing comprehensive programs. Legislators were also concerned about the restrictive nature of the funding, including the emphasis placed on the failure rates of contraception.

According to Dianne Luby, president/CEO of Planned Parenthood League of Massachusetts, “federal funding for abstinence-only-until-marriage programs is putting Massachusetts teens at risk. The Commonwealth of Massachusetts should have the flexibility to use its portion of these funds in ways that promote abstinence without discouraging condom use. It is disappointing that Governor Romney is putting ideology before the health of our state’s young people by ignoring the scientific evidence and peer-reviewed studies that show these programs do not work.”³

Father Arrested at Elementary School in Protest Over Book on Diversity

April 2005; Lexington, MA

The father of a 5-year-old at Joseph Estabrook School in Lexington, MA, was arrested after he refused to leave the school in protest of a book his son had brought home about diverse families. The book, *Who’s In a Family?* by Robert Skutch, depicts different kinds of families, including same-sex couples with children.

The book was part of a bag of books on foreign cultures and traditions that the school sent home with students for them to read with their families. The co-president of the Estabrook Parent-Teacher Association said that parents received notice about the book bag at the beginning of the year and the bag’s contents were displayed at a back-to-school night earlier in the school year.

However, the father said he and his wife were never told about the bag of books. When his son came home with the books, he became concerned and arranged a meeting with the school principal and district director of information, where he demanded that the school notify both him and his wife about any classroom discussions involving same-sex marriage and other “adult themes.”⁴ He asked that their son be removed from any such discussions, even if they arose spontaneously.⁵ The father explained that he wanted to control “the timing and manner” in which his son learned about “adult themes.” His wife explained, “we’re not giving unfettered access to the psyche of our son when he enters the school.”⁶

When the administration would not agree with his demands, the father refused to leave the school. After several hours, he was arrested for trespassing and spent the night in jail. He refused to post bail for himself, saying he wanted to stay in custody to prove a point. He was released and ordered to stay off Lexington school property until his court case.

After his release, the father explained that, “because of the same-sex [marriage] law, people are treating it as a mandate to teach the youngest children. It is not a mandate to teach the youngest of children, particularly if parents say, ‘Hold on, I want to be the gatekeeper of the information.’”⁷

The Lexington School Committee chairman defended the school’s policy saying, “we don’t view telling a child that there is a family out there with two mommies as teaching about homosexuality, heterosexuality, or any kind of sexuality.... We are teaching about the realities of where different children come from.”⁸

*Condom Availability Program Comes Under Fire
October 2004; Holyoke, MA*

The Holyoke, MA school system came under fire from the Roman Catholic Bishop of Springfield for a decision to institute a program to make condoms available at school for sixth through twelfth grade students. The school committee decided to adopt the program in an effort to curb the city’s high teen birth rates of 82 births per 1,000 teen girls. This is the highest in the state, which has a rate of 23 births per 1,000 teen girls.⁹ The school committee first voted to revise its health education curriculum and give sexuality education a higher priority. More recently, the school decided to institute the condom availability program.

The program will be piloted in the high schools and will be extended to sixth through eighth grade if it is deemed successful. Students wishing to receive condoms will need to speak to a nurse who will explain pregnancy, AIDS, abstinence, and that condoms are not 100% effective.

A letter was sent home to parents, who will have the option of preventing their children from obtaining condoms. A school physician and interim director of health education for the Holyoke schools described the need for the program and said, “we had to do something to combat what we were seeing.”¹⁰

Not everyone agrees with the school’s new program, however. Several members of the school committee voiced opposition and voted to limit the program. The latest opposition comes from the Roman Catholic Bishop of Springfield, who argued that that the school system is “an endorser and an enabler of early adolescent sex.”¹¹ In a statement, he said, “I am profoundly disappointed and disturbed” and that school officials are reducing sex to “meaningless self-gratification.”¹² Despite the opposition, the school intends to go forward with the program.

Massachusetts' Youth: Statistical Information of Note¹³

- In 2005, 43% of female high school students and 48% of male high school students in Massachusetts reported ever having had sexual intercourse compared to 46% of female high school students and 48% of male high school students nationwide.
- In 2005, 2% of female high school students and 8% of male high school students in Massachusetts 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, 11% of female high school students and 15% of male high school students in Massachusetts 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, 35% of female high school students and 33% of male high school students in Massachusetts 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, 59% of females and 72% of males in Massachusetts 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, 30% of females and 19% of males in Massachusetts reported having used birth control pills the last time they had sexual intercourse compared to 21% of females and 15% of males nationwide.
- In 2005, among those high school students who reported being currently sexually active, 20% of females and 26% of males in Massachusetts 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, 93% of high school students in Massachusetts reported having been taught about AIDS/HIV in school compared to 88% of high school students nationwide.
- In 2000, Massachusetts' abortion rate was 26 per 1,000 women ages 15–19 compared to a teen abortion rate of 24 per 1,000 nationwide.¹⁴
- In 2002, Massachusetts' birth rate was 23 per 1,000 women ages 15–19 compared to a teen birth rate of 43 per 1,000 nationwide.¹⁵

Boston, Massachusetts

- In 2005, 46% of female high school students and 64% of male high school students in Boston, Massachusetts reported ever having had sexual intercourse compared to 46% of female high school students and 48% of male high school students nationwide.
- In 2005, 4% of female high school students and 19% of male high school students in Boston, Massachusetts 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, 11% of female high school students and 33% of male high school students in Boston, Massachusetts 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, 35% of female high school students and 42% of male high school students in Boston, Massachusetts 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, 68% of females and 81% of males in Boston, Massachusetts 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, 16% of females and 10% of males in Boston, Massachusetts reported having used birth control pills the last time they had sexual intercourse compared to 21% of females and 15% of males nationwide.
- In 2005, among those high school students who reported being currently sexually active, 15% of females and 18% of males in Boston, Massachusetts 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, 83% of high school students in Boston, Massachusetts reported having been taught about AIDS/HIV in school compared to 88% of high school students nationwide.

Title V Abstinence-Only-Until-Marriage Funding

Massachusetts received \$712,241 in federal Title V funding in Fiscal Year 2005. 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. In Massachusetts, the match is provided by television and radio stations through the donation of air time.

The state does not disperse this money to outside organizations. Instead, the Massachusetts Department of Health uses the money to run a media campaign with the main message of “You don’t have to do it.” This media campaign targets males and females ages 10–14, males ages 15–17, and parents of teenagers. The goals of this campaign are to increase parent-child communication, encourage youth to delay the onset of sexual activity, and educate young men about the risks of early sexual activity. An evaluation of this campaign is ongoing.

Community-Based Abstinence Education (CBAE)¹⁶ and Adolescent Family Life Act (AFLA) Grantees

There are two CBAE grantees in Massachusetts: Catholic Social Services of Fall River and A Woman’s Concern with locations throughout Massachusetts. There is one AFLA grantee in Massachusetts: Boston Medical Center.

A Woman’s Concern runs several crisis pregnancy centers that use misleading information to pressure women into choosing not to have abortions. Before receiving this grant, A Woman’s Concern’s abstinence-only-until-marriage program was privately funded by the Gerard Health Foundation. Ray Neary, director of education for the Gerard Health Foundation and former director of Massachusetts Citizens for Life, told *Massachusetts News* that his job was to introduce abstinence-only-until-marriage programs to Massachusetts schools and “help rid the state of those sex education courses that really promote unbridled sex.”¹⁷

Although A Woman’s Concern currently offers its abstinence-only-until-marriage program free to schools, few Massachusetts schools have elected to use its program. The program, *Healthy Futures—Boston*, includes free trainings and assemblies based on the commercially available curriculum, *A.C. Green’s Game Plan*. 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. 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 that, “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.”¹⁸

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Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2005

Abstinence-Only-Until-Marriage Program Grantee Length of Grant	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
Massachusetts Department of Health www.mass.gov/dph/fch/abstinence.htm	\$712,241 federal	Title V
Catholic Social Services of Fall River 2003–2006 www.cssdioc.org	\$124,198	CBAE
A Women’s Concern, Inc. www.awomansconcern.org 2003–2006	\$488,434	CBAE
Boston Medical Center 2005–2006 www.bmc.org	\$209,826	AFLA

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Boston, MA 02110
Phone: (617) 482-3170
www.aclu-mass.org

AIDS Action Committee of Massachusetts
294 Washington St., 5th Floor
Boston, MA 02108
Phone: (617) 437-6200
www.aac.org

Greater Boston NOW
14 Linden St., Suite 220
Allston, MA 02134
Phone: (617) 254-9130
bostonnow.site.yahoo.net

Massachusetts Alliance on Teen Pregnancy
105 Chauncy St., 8th Floor
Boston, MA 02111
Phone: (617) 482-9122
www.massteenpregnancy.org

Massachusetts Gay and Lesbian Political
Caucus
PO Box 246
State House
Boston, MA 02133
Phone: (617) 262-1565
www.mglpc.org

NARAL Pro-Choice Massachusetts
41 Winter St., Suite 65
Boston, MA 02108
Phone: (617) 556-8800
www.prochoicemass.org

Planned Parenthood League of
Massachusetts
1055 Commonwealth Ave.
Boston, MA 02215
Phone: (617) 616-1660
www.pplm.org

Religious Coalition for Reproductive Choice
of Massachusetts
PO Box 1129
Brookline, MA 02446
Phone: (617) 522-2964
www.rcrcofma.org

Massachusetts Organizations that Oppose Comprehensive Sexuality Education

MA Family Institute
381 Elliot St.
Newton, MA 02464
Phone: (617) 928-0800
www.mafamily.org

Operation Rescue Boston
PO Box 870037
Milton Village, MA 02187
Phone: (781) 849-6026
www.orboston.org

MA Citizens for Life
The Schrafft Center
529 Main St.
Boston, MA 02129
Phone: (617) 242-4199
www.masscitizensforlife.org

Newspapers in Massachusetts

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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 2005 begins on October 1, 2004 and ends on September 30, 2005.

² Michael Levenson, "Proposal to use abstinence funds in schools fails," *Boston Globe*, 10 March 2005, accessed 11 March 2005, <<http://www.boston.com/news/globe/>>.

³ Planned Parenthood League of Massachusetts, "Planned Parenthood League of Massachusetts Criticizes Romney Decision That Will Put Massachusetts Teens At Risk," Press Release published 25 February 2005, accessed 11 March 2005, <http://www.pplm.org/Facts/rf_fact/pr_2005_02_25.htm>.

⁴ Maria Cramer and Ralph Ranalli, "Arrested Father Had Point to Make; Disputed School's Lessons on Diversity," *Boston Globe*, 29 April 2005, B1.

⁵ Laura Crimaldi, "Lexington School Calls Cops on Dad Irate Over Gay Book," *The Boston Herald* (MA), 28 April 2005, 4.

⁶ Cramer and Ranalli.

⁷ "Man Arrested After Dispute Over Gay Lifestyle Teachings Pleads Innocent," *Associated Press*, 28 April 2005, accessed on Lexis-Nexis, 1 May 2006.

⁸ Cramer and Ranalli.

⁹ "N.E. Editorial Roundup," *The Associated Press*, 9 October 2004, accessed on Lexis-Nexis, 26 November 2004.

¹⁰ David Abel, "Bishop Attacks School Condom Plan," *Boston Globe* (MA), 26 October 2004, accessed 26 November 2004, <http://www.boston.com/news/local/articles/2004/10/26/bishop_attacks_school_condom_plan/>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ 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 8 June 2006, <<http://www.cdc.gov/HealthyYouth/yrbs/index.htm>>.

¹⁴ *U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information* (New York: Guttmacher Institute, February 2004), accessed 28 January 2005, <http://www.guttmacher.org/pubs/state_pregnancy_trends.pdf>.

¹⁵ *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>>.

¹⁶ In Fiscal Year 2004 SPRANS–CBAE was administered within the U.S. Department of Health and Human Services (HHS) by the Maternal and Child Health Bureau. In Fiscal Year 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).

¹⁷ "Ray Neary Hired to Fight for Abstinence Education," *Massachusetts News*, 10 October 2003, accessed 9 February 2005, <http://www.massnews.com/2002_editions/Print_editions/10_Oct/1002_mn_sightings.shtml#3>.

¹⁸ Scott Phelps and Libby Gray, *A.C. Green's Game Plan* (Golf, IL: Project Reality, 2001). For more information, see SIECUS' review of *A.C. Green's Game Plan* at <http://www.communityactionkit.org/curricula_reviews.html>.