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New Mexico Sexuality Education Law and Policy

New Mexico does not mandate that schools teach sexuality education; however, it does mandate that “[e]ach school district...provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades.”¹ This instruction must include “ways to reduce the risk of getting HIV/AIDS, stressing abstinence.”² Outcomes of such instruction should include the “ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.”³

Educational materials and the grade levels at which they will be introduced are determined by local school districts. All instruction must be age-appropriate.⁴ Local school boards must “insure [sic] the involvement of parents, staff, and students in the development of policies and the review of instructional materials.”⁵ The state neither suggests curriculum nor limits what may or may not be included in sexuality education instruction.

New Mexico offers *Health Education Standards with Benchmarks and Performance Standards* that include abstinence and reproductive health beginning in grades three and four. Beginning in seventh and eighth grade, performance standards in health education include understanding “how healthy alternatives can replace unhealthy behaviors (i.e. abstinence, condom use, [and] other pregnancy prevention methods).”⁶

The *Health Education Standards with Benchmarks and Performance Standards* state that each school district must have a policy allowing parents to “request that their child be exempted from the parts of the health education curriculum that addresses [sic] the sexuality performance standards.”⁷ Alternative lessons must be created for exempted students. This is referred to as an “opt-out” policy. Local school boards must include parents, staff, and students in developing their own opt-out policy.

See New Mexico Administrative Code §§ 6.12.2.10 and 6.29.6.8; and *Health Education Standards with Benchmarks and Performance Standards*.

Recent Legislation

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

New Mexico’s Youth: Statistical Information of Note⁸

- In 2009, 5% of female high school students and 10% of male high school students in New Mexico reported having had sexual intercourse before age 13 compared to 3% of female high school students and 8% of male high school students nationwide.

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- In 2009, 12% of female high school students and 18% of male high school students in New Mexico reported having had four or more lifetime sexual partners compared to 11% of female high school students and 16% of male high school students nationwide.
- In 2009, 34% of female high school students and 32% of male high school students in New Mexico reported being currently sexually active (defined as having had sexual intercourse in the three months prior to the survey) compared to 36% of female high school students and 33% of male high school students nationwide.
- In 2009, among those high school students who reported being currently sexually active, 50% of females and 65% of males in New Mexico reported having used condoms the last time they had sexual intercourse compared to 54% of females and 69% of males nationwide.
- In 2009, among those high school students who reported being currently sexually active, 15% of females and 11% of males in New Mexico reported having used birth control pills the last time they had sexual intercourse compared to 23% of females and 16% of males nationwide.
- In 2009, among those high school students who reported being currently sexually active, 20% of females and 26% of males in New Mexico reported having used alcohol or drugs the last time they had sexual intercourse compared to 17% of females and 26% of males nationwide.
- In 2009, 77% of high school students in New Mexico reported having been taught about AIDS/HIV in school compared to 87% of high school students nationwide.

New Mexico Youth Sexual Health Statistics

Teen Pregnancy, Birth, and Abortion

- New Mexico's teen pregnancy rate ranks 2nd in the U.S., with a rate of 93 pregnancies per 1,000 young women ages 15–19 compared to the national rate of 70 pregnancies per 1,000.⁹ There were a total of 6,770 pregnancies among young women ages 15–19 reported in 2005, the most recent year for which data are available, in New Mexico.¹⁰
- New Mexico's teen birth rate ranked 2nd in the U.S. in 2005, with a rate of 61.6 births per 1,000 young women ages 15–19 compared to the national rate of 40.5 births per 1,000.¹¹ In 2005, there were a total of 4,471 live births reported to young women ages 15–19 in 2005.¹²
- In 2006, the U.S. teen birth rate increased for the first time in 15 years by 3% from 40.5 to 41.9 births per 1,000 young women ages 15–19, after having steadily declined between 1991 and 2005.¹³ New Mexico's teen birth rate also increased between 2005 and 2006, from 61.6 to 64.1 births per 1,000 young women ages 15–19.¹⁴
- New Mexico's teen abortion rate ranks 18th in the U.S., with a rate of 15 abortions per 1,000 young women ages 15–19 compared to the national rate of 19 abortions per 1,000. In 2005, there were a total of 1,186 abortions reported among young women ages 15–19 in New Mexico.¹⁵

HIV and AIDS

- New Mexico ranks 35th in cases of HIV infection diagnosed in the U.S. among all age groups. In 2007, there were a total of 80 new cases of HIV infection diagnosed in New Mexico.¹⁶
- New Mexico ranks 24th in cases of HIV/AIDS diagnosed among young people ages 13–19 out of the 34 states with confidential, name-based HIV infection reporting. In 2007, there were a total of 9 young people ages 13–19 diagnosed with HIV/AIDS in New Mexico.¹⁷
- New Mexico ranks 36th in number of reported AIDS cases in the U.S. among all age groups. In 2007, there were a total of 113 new AIDS cases reported in New Mexico.¹⁸
- New Mexico ranks 35th in number of reported AIDS cases in the U.S. among young people ages 13–19. In 2007, there was a total of 1 AIDS case reported among young people ages 13–19 in New Mexico.¹⁹
- New Mexico’s AIDS rate ranks 34th in the U.S., with a rate of 5.7 cases per 100,000 population compared to the national rate of 12.5 cases per 100,000.²⁰

Sexually Transmitted Diseases

- New Mexico ranks 20th in reported cases of Chlamydia among young people ages 15–19 in the U.S., with an infection rate of 20.14 cases per 1,000 compared to the national rate of 19.51 cases per 1,000. In 2008, there were a total of 2,934 cases of Chlamydia reported among young people ages 15–19 in New Mexico.²¹
- New Mexico ranks 30th in reported cases of gonorrhea among young people ages 15–19 in the U.S., with an infection rate of 2.71 cases per 1,000 compared to the national rate of 4.52 cases per 1,000. In 2008, there were a total of 395 cases of gonorrhea reported among young people ages 15–19 in New Mexico.²²
- New Mexico ranks 31st in reported cases of primary and secondary syphilis among young people ages 15–19 in the U.S., with an infection rate of 0.01 cases per 1,000 compared to the national rate of 0.04 cases per 1,000.²³

Comprehensive Approaches to Sex Education

*SIECUS has identified some examples of model programs, policies, and best practices being implemented in New Mexico public schools that provide a more comprehensive approach to sex education for young people.*²⁴

*Comprehensive Sex Education Programs in Public Schools*New Mexico GRADS (Graduation Reality and Dual-Role Skills) Program

The New Mexico GRADS (Graduation Reality and Dual-Role Skills) Program was founded in 1989 to address the rate of high school drop-outs associated with teen pregnancy. GRADS is an educational program for pregnant and parenting high school students that focuses on “delaying repeat pregnancies,” “healthy choices for teens and their families,” “promoting safe family relationships,” and “encouraging prenatal and maternal care to prevent low birth-weight” infants as some of its primary objectives. It aims to “facilitate parenting teens’ graduation and economic independence,” “promote healthy multi-generational families,” and “reduce risk-taking behaviors [among participants].”²⁵ The program operated in 35 high schools during the 2008–2009 school year.²⁶

One component of the program is comprehensive sex education.²⁷ The program uses *get Smart*, a high school peer-education program developed by Planned Parenthood, along with additional supplemental materials. *get Smart* provides students with “age appropriate sexual health and responsibility information” and trains them to become peer health educators for their network of friends.²⁸ The

curriculum addresses such topics as sexual health behavior, contraception, pregnancy, and STDs, and works to dispel myths regarding sexual health practices.²⁹

Santa Fe Public Schools

The Santa Fe public school district first began providing human sexuality education to students in the late 1990s in an effort to meet the needs of all students and address the high rate of teen pregnancy in the district. The district's Health & Wellness committee worked to implement sex education lessons in the schools. In 2002, the district developed a formal collaboration with Planned Parenthood of New Mexico and implemented human sexuality education lessons in grades seven and eight. The following year similar lessons were also provided to ninth grade students. Today, the school district provides human sexuality education in grades four through nine and offers in-school programs for high-risk students and parenting teens.³⁰

In fourth and fifth grades, human growth and development lessons are taught by school nurses. These lessons address anatomy, human development and changes to the body, puberty, and body integrity, such as 'good touch, bad touch.' Fifth grade lessons also address sexual abuse and harassment and sexually transmitted diseases (STDs), including HIV, among other topics. Middle school human sexuality lessons are provided in science courses. Along with a review of growth and development information, these lessons address reproductive anatomy, pregnancy and birth, STDs/HIV, contraception, and communication skills among other topics. In seventh and eighth grades, lessons also address healthy relationships, self-advocacy, and refusal skills. Ninth grade students receive sex education, provided by Planned Parenthood educators, in health class. Topics include pregnancy and birth, healthy relationships, family planning, contraception, STDs, and HIV. The lessons for all human sexuality instruction in the district are locally produced and use elements of the *get Smart* curriculum developed by Planned Parenthood. (For more information on the *get Smart* curriculum please refer to the above section, "New Mexico GRADS (Graduation Reality and Dual Role Skills Program)."³¹)

One class activity for eighth and ninth grade students, called the "empathy belly," allows students to experience a simulated pregnancy by wearing a body vest.³² Another includes a presentation by the district's teen parent program panel, which consists of teen parents who are students in the district. During their presentation, the teens discuss their experiences as parents and offer a frank, peer perspective on the joys and hardships of early parenthood. The teen parents on the panel participate in a separate program run by the district that trains them to be peer sexual health educators. Students involved in the program give presentations in schools throughout the district.

Santa Fe Public Schools also offers a 25 week-long sex education program for at-risk students in middle school that includes a service learning component.³³

We encourage you to submit any updated or additional information on comprehensive approaches to sex education being implemented in New Mexico public schools for inclusion in future publications of the SIECUS State Profiles. Please visit SIECUS' "Contact Us" webpage at www.siecus.org to share information. Select "state policy" as the subject heading.

Federal Funding for Abstinence-Only-Until-Marriage Programs

A community-based organization in New Mexico received \$550,000 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2009.³⁴

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Title V Abstinence-Only-Until Marriage Funding

- New Mexico chose not to participate in the Title V abstinence-only-until-marriage program in Fiscal Year 2009. The state was eligible for approximately \$502,785 in funding. Due to the expiration of the grant program on June 30, 2009, three months prior to the end of the federal fiscal year, the state would have received three quarters of the total funding allocated for the full fiscal year.

Community-Based Abstinence Education (CBAE) Funding

- There is one CBAE grantee in New Mexico, Socorro General Hospital, which received \$550,000 in CBAE funding for Fiscal Year 2009.

Adolescent Family Life Act (AFLA) Funding

- There are no AFLA grantees in New Mexico.

Abstinence-Only-Until-Marriage Curricula Used by Grantees

The abstinence-only-until-marriage grantee in New Mexico uses some commercially available curricula. These include, but are not limited to:

- *ASPIRE: Live your life. Be free.*
- *WAIT Training*

To read reviews of abstinence-only-until-marriage curricula commonly used by federal grantees please visit the “Curricula and Speaker Reviews” webpage of SIECUS’ Community Action Kit at www.communityactionkit.org.

Federal Funding for Abstinence-Only-Until-Marriage Programs in FY 2009³⁵

Abstinence-Only-Until-Marriage Grantee	Title V	CBAE (Length of Grant)	AFLA (Length of Grant)
Socorro General Hospital www.phs.org/PHS/hospitals/hospitals/Socorro		\$550,000 (2008–2013)	

Adolescent Health Contact³⁶

Deyonne M. Sandoval, MS
 Social and Community Services Coordinator
 Substance Abuse Prevention
 New Mexico Department of Health
 1190 St. Francis Drive, Suite 1050
 P.O. Box 26110
 Santa Fe, NM 87502
 Phone: (505) 827-2625

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New Mexico Organizations that Support Comprehensive Sexuality Education

ACLU of New Mexico
P.O. Box 566
Albuquerque, NM 87103
Phone: (505) 266-5915
www.aclu-nm.org

Equality New Mexico
1410 Coal Avenue, SW
Albuquerque, NM 87104
Phone: (505) 224-2766
www.eqnm.org

New Mexico Gay-Straight Alliance Network
Santa Fe Mountain Center
P.O. Box 449
Tesuque, NM 87574
Phone: (505) 983-6158
www.nmgsa.org

New Mexico National Organization for
Women
P.O. Box 642
Santa Fe, NM 87504

New Mexico Religious Coalition for
Reproductive Choice
P.O. Box 66433
Albuquerque, NM 87193
Phone: (505) 890-1010
www.nmrcrc.org

New Mexico Teen Pregnancy Coalition
P.O. Box 35997
Albuquerque, NM 87176
Phone: (505) 254-8737
www.nmtpc.org

New Mexicans for Responsible Sexuality
Education (NMRSE)
P.O. Box 35997
Albuquerque, NM 87176
Phone: (505) 254-8737
www.nmrse.org

Planned Parenthood of New Mexico
719 San Mateo ,NE
Albuquerque, NM 87108
Phone: (505) 265-5976
www.plannedparenthood.org/new-mexico

Southwest Care Center
649 Harkle Road, Suite E
Santa Fe, NM 87505
Phones: (888) 320-8200,
www.southwestcare.org

Southwest Women's Law Center
1410 Coal Avenue ,SW
Albuquerque, NM 87104
Phone: (505) 244-0502
www.swwomenslaw.org

New Mexico Organizations that Oppose Comprehensive Sexuality Education

New Mexico Abstinence Education
Coalition
www.nmaec.org

Right to Life Committee of New Mexico
2413 Wyoming Boulevard, NE
Albuquerque, NM 87112
Phone: (505) 881-4563
www.rtlnm.org

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Newspapers in New Mexico³⁷

Albuquerque Journal
Newsroom
7777 Jefferson Street, NE
Albuquerque, NM 87109
Phone: (505) 823-3800
www.abqjournal.com

Clovis News Journal
Newsroom
521 Pile
Clovis, NM 88101
Phone: (505) 763-3431
www.cnjonline.com

Hobbs News-Sun
Newsroom
201 North Thorp Street
Hobbs, NM 88240
Phone: (505) 391-5440
www.hobbsnews.com

Las Cruces Sun-News
Newsroom
P.O. Box 1749
Las Cruces, NM 88004
Phone: (505) 541-5400
www.lcsun-news.com

The Santa Fe New Mexican
Newsroom
P.O. Box 2048
Santa Fe, NM 87504
Phone: (505) 983-3303
www.santafenewmexican.com

Current-Argus
Newsroom
P.O. Box 1629
Carlsbad, NM 88221
Phone: (505) 887-5501
www.currentargus.com

The Daily Times
Newsroom
P.O. Box 450
Farmington, NM 87499
Phone: (505) 325-4545
www.daily-times.com

Independent
Newsroom
500 North 9th Street
Gallup, NM 87305
Phone: (505) 863-6811
www.gallupindependent.com

Roswell Daily Record
Newsroom
P.O. Box 1897
Roswell, NM 88202
Phone: 505-622-7710
www.roswell-record.com

Political Blogs in New Mexico

Democracy for New Mexico
www.democracyfornewmexico.com

New Mexico Politics, New Mexico Voices
www.nmfbihop.com

The New Mexico Independent
www.newmexicoindependent.com/category/blog

NM Politics
www.nmpolitics.net

- ¹ N.M. Admin. Code § 6.12.2.10(C)(1).
- ² N.M. Admin. Code § 6.12.2.10(C)(3)(e).
- ³ N.M. Admin. Code § 6.12.2.10(C)(3)(h).
- ⁴ N.M. Admin. Code § 6.12.2.10(C)(2).
- ⁵ N.M. Admin. Code § 6.12.2.10(D).
- ⁶ *Health Education Standards with Benchmarks and Performance Standards* (New Mexico: New Mexico Public Education Department), accessed 14 April 2010, <http://www.ped.state.nm.us/div/sipds/health/dl/022706_docs/HE%20Standards.pdf>, 29.
- ⁷ *Ibid.*, 1.
- ⁸ Danice K. Eaton, et. al., “Youth Risk Behavior Surveillance—United States, 2009,” *Surveillance Summaries, Morbidity and Mortality Weekly Report*, vol. 59, no. SS-5 (4 June 2010): 98–109, accessed 4 June 2010, <<http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>>. Note: New Mexico did not participate in the full 2009 YRBS.
- ⁹ *U.S. Teenage Pregnancies, Births, and Abortions: National and State Trends and Trends by Race and Ethnicity*, (Washington, DC: Guttmacher Institute, January 2010), accessed 5 March 2010, <<http://www.guttmacher.org/pubs/USTPTrends.pdf>>, Table 3.1.
- ¹⁰ *Ibid.*, Table 3.2.
- ¹¹ Joyce A. Martin, et. al., “Births: Final Data for 2006,” *National Vital Statistics Reports*, vol. 57, number 7 (Hyattsville, MD: Centers for Disease Control and Prevention, 7 January 2009), accessed 5 March 2010, <http://www.cdc.gov/nchs/data/nvsr/nvsr57/nvsr57_07.pdf>, Table B.
- ¹² *U.S. Teenage Pregnancies, Births, and Abortions: National and State Trends and Trends by Race and Ethnicity*, Table 3.2.
- ¹³ Martin, et. al., “Births: Final Data for 2006,” 4.
- ¹⁴ *Ibid.*, Table B.
- ¹⁵ *U.S. Teenage Pregnancies, Births, and Abortions: National and State Trends and Trends by Race and Ethnicity*, Table 3.5.
- ¹⁶ “Cases of HIV Infection and AIDS in the United States and Dependent Areas, 2007,” *HIV/AIDS Surveillance Report*, vol. 19, (Atlanta, GA: Centers for Disease Control and Prevention, February 2009), accessed 5 March 2010, <<http://www.cdc.gov/hiv/topics/surveillance/resources/reports/2007report/pdf/2007SurveillanceReport.pdf>>, Table 18.
- ¹⁷ Slide 6: “Estimated Numbers of HIV/AIDS Cases among Adolescents 13 to 19 Years of Age, 2007—34 States,” *HIV/AIDS Surveillance in Adolescents and Young Adults (through 2007)*, (Atlanta, GA: Centers for Disease Control and Prevention, May 2009), accessed 25 March 2010, <<http://www.cdc.gov/hiv/topics/surveillance/resources/slides/adolescents/index.htm>>.
- ¹⁸ *Ibid.*, Table 16.
- ¹⁹ Slide 15: “Reported AIDS Cases among Adolescents 13 to 19 Years of Age, 2007—United States and Dependent Areas,” *HIV/AIDS Surveillance in Adolescents and Young Adults (through 2007)*, (Atlanta, GA: Centers for Disease Control and Prevention, May 2009), accessed 25 March 2010, <<http://www.cdc.gov/hiv/topics/surveillance/resources/slides/adolescents/index.htm>>.
- ²⁰ *Ibid.*; “AIDS Case Rate per 100,000 Population, All Ages, 2007,” (Menlo Park, CA: Kaiser Family Foundation), accessed 5 March 2010, <<http://www.statehealthfacts.org/comparetable.jsp?ind=513&cat=11&sub=120&yr=62&typ=1&sort=a>>.
- ²¹ “Wonder Database: Selected STDs by Age, Race/Ethnicity, and Gender, 1996-2008 Results,” (Atlanta, GA: Centers for Disease Control and Prevention), 30 June 2009, accessed 5 March 2010, <<http://wonder.cdc.gov>>; see also Table 10: “Chlamydia: Reported Cases and Rates Per 100,000 Population by Age Group and Sex: United States, 2004–2008,” *Sexually Transmitted Disease Surveillance 2008*, (Atlanta, GA: Centers for Disease Control and Prevention, Division of STD Prevention, November 2009), accessed 5 March 2010, <<http://www.cdc.gov/std/stats08/surv2008-Complete.pdf>>, 95.
- ²² *Ibid.*; see also Table 20: “Gonorrhea—Reported Cases and Rates per 100,000 Population by Age Group and Sex: United States, 2004–2008,” *Sexually Transmitted Disease Surveillance 2008*, 106.
- ²³ *Ibid.*; see also Table 33: “Primary and Secondary Syphilis—Reported Cases and Rates per 100,000 Population by Age Group and Sex: United States, 2004–2008,” *Sexually Transmitted Disease Surveillance 2008*, 121.
- ²⁴ This is by no means a complete list of all comprehensive programming and policies related to sexuality education, but rather some examples of best practices and model programs that SIECUS identified.
- ²⁵ “Our Mission,” New Mexico GRADS, accessed 23 May 2010, <<http://www.nmgrads.org/>>.
- ²⁶ *Ibid.*
- ²⁷ “Quick Facts,” New Mexico GRADS, accessed 23 May 2010, <<http://www.nmgrads.org/facts.html>>.
- ²⁸ “get Smart,” Planned Parenthood Trust of San Antonio and South Central Texas, accessed 23 May 2010, <<http://parenthoodwww.ppcnj.org/pptrustsanantonio/get-smart-31892.htm>>.
- ²⁹ *Ibid.*
- ³⁰ Conversation between Morgan Marshall and Johnny Wilson, vice president of education, Planned Parenthood of New Mexico, 1 June 2010.
- ³¹ *Ibid.*
- ³² *Ibid.*
- ³³ *Ibid.*

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³⁴ This refers to the federal government's fiscal year, which begins on October 1st and ends on September 30th. The fiscal year is designated by the calendar year in which it ends; for example, Fiscal Year 2009 began on October 1, 2008 and ended on September 30, 2009.

³⁵ Through the Fiscal Year 2010 appropriations process, Congress eliminated all discretionary funding for abstinence-only-until-marriage programs, including the entire CBAE program and the abstinence-only-until-marriage portion of AFLA. The grant years listed in the chart reflect the years for which funding was originally approved; however, the grants effectively ended in Fiscal Year 2009.

³⁶ SIECUS has identified this person as a state-based contact for information on adolescent health and if applicable, abstinence-only-until-marriage programs.

³⁷ This section is a list of major newspapers in your state with contact information for their newsrooms. This list is by no means exhaustive and does not contain the local level newspapers which are integral to getting your message out to your community. SIECUS strongly urges you to follow stories about the issues that concern you on the national, state, and local level by using an internet news alert service such as [Google alerts](#), becoming an avid reader of your local papers, and establishing relationships with reporters who cover your issues. For more information on how to achieve your media goals visit the SIECUS [Community Action Kit](#).