

SIECUS PUBLIC POLICY OFFICE

STATE PROFILE

NEW YORK

New York received at least \$9,346,650 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2004. 1,2

New York Sexuality Education Law

Health education is required for all students in New York, in kindergarten through sixth grade. This instruction must provide information about HIV/AIDS including how to prevent its transmission. Health education is taught by classroom teachers in kindergarten through sixth grade and by certified health teachers in grades seven through twelve. In grades seven through twelve, health education must be a separate one-half year course.

All HIV/AIDS education must "provide accurate information to pupils concerning the nature of the disease, methods of transmission, and methods of prevention." Additionally, this instruction "shall stress abstinence as the most appropriate and effective premarital protection against AIDS." It must also be age-appropriate and consistent with community values.

Each school district's board of education is responsible for establishing an advisory council that makes recommendations concerning the formation, implementation, and evaluation of an AIDS curriculum. The local board of education is also responsible for making sure that the curriculum is evaluated.

Parents may exempt their children from HIV/AIDS classes as long as the school receives "assurance that the pupil will receive such instruction at home." This is referred to as an "opt-out" policy.

There is no direct funding to the schools for HIV/AIDS education and the New York State Department of Health provides only a small amount of funding for the administration of this program.

See New York Commissioner's Regulations 135.3.

Recent Legislation

SIECUS is not aware of any recent legislation related to sexuality education in New York.

Events of Note

Teen Girls Required to Present Results of STD and Pregnancy Tests February 2004; New York, NY

In June 2003, New York City school administrators allegedly forced approximately 10 young women in eighth-grade to be tested for pregnancy and sexually transmitted disease (STDs) after they skipped school to attend a "hooky party" where sexual activity reportedly occurred.

According to a lawsuit filed by the New York Civil Liberties Union (NYCLU) on behalf of two of the young women, after hearing of the party, school officials decided that rather than give

detention or other common punishment to the young women they would instead require them to undergo medical tests for pregnancy and STDs and show school officials the results.

At first, some of the young women brought notes stating that they had been to the doctor but they were told they would not be able to return to Intermediate School 164 unless they brought a doctor's note specifically describing their test results.

"What [the school] did is completely unheard of. . . It violates their right to privacy. It violated their right to go to school. It violated their right not to be subjected to summary punishment," said the executive director of the NYCLU.³ "There seems to be an assumption here that if they had tested positive for pregnancy or for an STD that they would not have been allowed back in the school. That's clearly wrong under the law." She also pointed out that one male student from the school attended the party but as far as she knew he was not required to be tested for STDs.

In the lawsuit, the girls asked for an apology from the New York Department of Education, for their confidential medical information to be returned to them, and for the information on this disciplinary action to be stricken from their records. In addition, they are asking that the staff receive training on respecting students' privacy.

The NYCLU originally learned about the party and the school's response from medical professionals at the free clinic where many of the girls had gone to get tested. A physician who screened several of the girls said, "I was outraged, basically." He pointed out that "having teens presented to me as a punishment jeopardizes their trust to future relationships with me and their future care providers."

According to school officials, there is some discrepancy about what actually occurred and what had been required. One official with the Department of Education, who wished to remain anonymous, said that a policy of preventing young people from attending school based upon forced medical testing would never be supported. He said that there were certain factual issues that needed to be resolved with the case.⁷

However, one of the young women was quite clear on what happened. "The principal said that if we didn't get the tests we couldn't come back," she said.⁸

In February 2004, the city settled the federal lawsuit. As part of the settlement, school policy regarding medical tests for students will be revised and new guidelines were adopted that state officials cannot order tests for pregnancy or sexually transmitted diseases. In addition, schools cannot require students to say whether they are pregnant or have a disease. The financial aspects of the settlement were not disclosed.

Parents Seek More Information About What Is Taught in School's Sexuality Education Classes February 2003; Rhinebeck, NY

In early February 2003, a group of parents in Rhinebeck, NY presented their concerns about the seventh-grade sexuality education curriculum to the school board. The parents felt that seventh graders were too young for contraceptive information, that the mixed-gender classes were embarrassing to some youth, and that parents had not been given enough information about the curriculum.

One parent said, "we are asking for clarification on... teaching of birth control and abortion, the district's policy on distribution of birth control and referrals to family planning organizations, and whether to your knowledge birth control is being distributed in the middle or high school by any school representative. We also question the source of teaching materials used."

The parents submitted a petition with 180 signatures supporting their concerns and asked that the school board establish a committee to review the seventh-grade sexuality education curriculum annually.

The superintendent assured parents that the school does not provide abortion referrals nor does it authorize the distribution of condoms or other birth control in school with or without a parent's consent. He said the school would respond to the remaining concerns in the future.

New Yorkers Support a Comprehensive Approach to Sexuality Education 2003

A 2003 poll in New York State by Zogby International found that 77% of likely voters agree that age-appropriate, medically accurate sexuality education should be taught in public schools. The same poll found that this support extends across New York State. Eighty-three percent of suburban voters, 76% of upstate voters, and 74% of New York City voters favor sexuality education in public schools.

This support also crosses political lines in New York State with 80% of Democrats, 68% of Republicans, and 74% of Independents supporting such programs.

Play about Homosexuality Faces Criticism

November 2002; Ithaca, New York

A play about a teenager coming to terms with his sexual orientation received mixed reactions in Ithaca, NY when it ran in local schools. The play, entitled *Josh Keenan Comes Out to the World*, was staged by the Hangar Theater and funded by the Gill Foundation, a non-profit organization based in Colorado.

While students tended to support the play, a group of a dozen parents and ministers went to a meeting of the school district's board of education and asked that the play be cancelled. They felt that the play mocked Christianity, was filled with profanity, and falsely portrayed adolescent sexual activity. One student responded, "I hate to open their eyes, but those hormones, those actions are happening in high school. The play doesn't tell you how you should think or feel. You can feel for or against homosexuality. But the play just says what's going on." 10

Despite the protest, the play continued. Parents were, however, given the option to keep their children from attending the performance.

School Health Education Profile Report 2002

According to the 2002 School Health Education Profile Report (DOE 2002), only 40% of middle school health teachers and 61% of junior/senior high school health teachers reported teaching the proper use of condoms in health education classes. In addition, only 31-44% of teachers reported receiving training in human sexuality, pregnancy, or STD prevention in the last two years. More than 75% of teachers would like to receive such training.

School Board Decides to Continue Puberty Education Course December 2001; Lockport, NY

The committee appointed by the Wilson Central School District to review the fifth grade puberty education program and make recommendations to the school board deadlocked over whether to continue to provide the program. At issue was how the topics of sexual intercourse, masturbation, homosexuality, and abortion were presented.

The puberty education course, a three-day program facilitated by a self-employed puberty educator, had been previously taught in the district. Several parents attending the committee meeting expressed support for the program. However, other parents voiced their concerns about the issue of sexual intercourse. One parent wondered if "telling a 10-year-old about sexual intercourse might make them more likely to engage in it" and wanted to know why "they don't just teach abstinence." The puberty educator explained to the committee and all parents present that she encourages students to discuss controversial issues such as masturbation, homosexuality, and abortion with their families.

After reporting the split vote, the committee was dissolved by the school board. The school board decided to continue to provide the puberty education course.

New York's Youth: Statistical Information of Note¹¹

- ➤ In 2003, 39% of female high school students and 46% of male high school students in New York reported ever having had sexual intercourse compared to 45% of female high school students and 48% of male high school students nationwide.
- ➤ In 2003, 4% of female high school students and 11% of male high school students in New York 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, 8% of female high school students and 18% of male high school students in New York 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, 30% of female high school students and 30% of male high school students in New York 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, 17% of females and 26% of males in New York 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, 64% of females and 77% of males in New York 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, 19% of females and 11% of males in New York 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, 4% of female high school students and 3% of male high school students in New York 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, 89% of high school students in New York reported having been taught about HIV/AIDS in school compared to 88% of high school students nationwide.
- ➤ In 2000, New York's abortion rate was 46 per 1,000 women ages 15-19 compared to a teen abortion rate of 24 per 1,000 nationwide. ¹²
- ➤ In 2002, New York's birth rate was 30 per 1,000 women ages 15-19 compared to a teen birth rate of 43 per 1,000 nationwide. ¹³

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- ➤ In 2003, 41% of female high school students and 55% of male high school students in New York City reported ever having had sexual intercourse compared to 45% of female high school students and 48% of male high school students nationwide.
- In 2003, 4% of female high school students and 18% of male high school students in New York City 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, 8% of female high school students and 27% of male high school students in New York City 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, 31% of female high school students and 37% of male high school students in New York City 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, 10% of females and 21% of males in New York City 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, 69% of females and 84% of males in New York City 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, 8% of females and 3% of males in New York City 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, 6% of female high school students and 4% of male high school students in New York City 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, 85% of high school students in New York City reported having been taught about HIV/AIDS in school compared to 88% of high school students nationwide.

Title V Abstinence-Only-Until-Marriage Funding

New York received \$3,700,000 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. In New York, the state matches federal funding with \$2,600,000 million of state funds.

The majority of this funding is distributed to 33 sub-grantees. Some of the funding supports a statewide media campaign which is designed to supplement the local grants.

Eight out of 33 sub-grantees are Catholic organizations. For example, Catholic Charities of Buffalo/Monsignor Carr Institute runs *ProjecTruth*, a curriculum funded by their SPRANS grant that focuses on character and abstinence education. In answer to the question, "Why *ProjecTruth*?," the website explains that contraception "provides a dangerous false sense of security, sets expectation of failure, rationalizes undesired behavior, and minimizes the message regarding emotional and psychological consequences." It also states that "psychological consequences facing teens are regret and self-recrimination, loss of self respect/self esteem, rage over betrayal, depression and suicide, and stunted personal development."

ProjecTruth consists of a character component and an abstinence component. The character component, entitled *Love & Life at the Movies*, "provides students with visual and dynamic examples of character and virtue through viewing and discussion of one of four different classic films." The abstinence component uses *Game Plan*, which the website explains "uses a sports-themed approach to understanding the benefits of abstinence until marriage."

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 "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." ¹⁴

Special Projects of Regional and National Significance—Community Based Abstinence Education (SPRANS—CBAE)¹⁵ and Adolescent Family Life Act (AFLA) Grantees

There are seven SPRANS–CBAE grantees in New York State: Catholic Charities of Buffalo, Catholic Charities of Southern Tier, Catholic Charities of Syracuse/Neighborhood Center, Catholic Charities of Western New York/ Monsignor Carr Institute, Greenburgh Graham Union Free School District, Hope Initiative CDC, and Jewish Child Care Association

There are six AFLA grantees in New York: Be'er Haolah Institutes; Builders for Youth and Family; Catholic Charities/ Syracuse (Neighborhood Centers); Educators for Children, Youth, and Families; Our Lady of Lourdes Memorial Hospital; and St Luke's Roosevelt Institute for Health Sciences.

Educators for Children, Youth, & Families is based in Brooklyn, New York and runs an after school abstinence-only-until-marriage program for 250 youths ages 10-17. It offers physical education, role plays, and career exploration. It also offers instruction through the *Choosing the Best* curricula.

SIECUS reviewed *Choosing the Best PATH* and found that it provides endless information on the negative consequences of premarital sexual activity and utilizes a variety of tactics to suggest that teens should feel guilty, embarrassed, and ashamed of sexual behavior. For example, *Choosing the Best PATH* states "couples who use condoms for birth control experience a first-year failure rate of about 15 % in preventing pregnancies. This means that over a period of five years, there could be a 50% chance or higher of getting pregnant with condoms used as the birth control method." ¹⁶

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2004¹⁷

Abstinence-Only-Until- Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)
New York Department	\$3,700,000 federal	Title V
of Health	\$2,600,000 state	
www.health.state.ny.us/		
Addison Central School District		Title V sub-grantee
Adolescent & Family		Title V sub-grantee
Comprehensive Services		
Archdiocese of New York		Title V sub-grantee
Builders for Youth and Family		Title V sub-grantee
DUAL GRANTEE	\$225,000	AFLA
2004-2005		
Caribbean Women's Health		Title V sub-grantee
Association		
Catholic Charities of Western		Title V sub-grantee
New York/ Monsignor Carr		
Institute		
DUAL GRANTEE	\$800,000	SPRANS-CBAE
		(Implementation Grant)
2001-2004		
www.ccwny.org		
Catholic Charities/ Finger Lake		Title V sub-grantee

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Abstinence-Only-Until- Marriage Grantee	Amount of Grant	Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)
Length of Grant		
Catholic Charities/ Ogdensberg		Title V sub-grantee
Catholic Charities/ Oswego		Title V sub-grantee
Catholic Charities/ Rockville		Title V sub-grantee
Catholic Charities/ Syracuse (Neighborhood Centers)		Title V sub-grantee
TRIPLE GRANTEE	\$442,086	SPRANS-CBAE
2001-2004		(Implementation Grant)
TRIPLE GRANTEE	\$225,000	AFLA
2004-2005		
Catholic Family Center		Title V sub-grantee
Cayuga County Health Department		Title V sub-grantee
Chatauqua County Youth Bureau		Title V sub-grantee
Cheming County YMCA		Title V sub-grantee
Church Avenue Merchants Block Association		Title V sub-grantee
www.camba.org		
Community of Maternity Services		Title V sub-grantee
Council of Community Services		Title V sub-grantee
Delaware Chenango Madison Ostego BOCES		Title V sub-grantee

Abstinence-Only-Until- Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS-CBAE, Title V, and AFLA)
Greenburgh Graham Union Free School District		Title V sub-grantee
DUAL GRANTEE 2001-2004	\$800,000	SPRANS-CBAE (Implementation Grant)
Harlem Hospital		Title V sub-grantee
Hudson City School District		Title V sub-grantee
Hudson River Health Center		Title V sub-grantee
Inwood House		Title V sub-grantee
www.inwoodhouse.com		
King Urban Life Center		Title V sub-grantee
Monroe County Health Department		Title V sub-grantee
Mothers & Babies of South Central New York		Title V sub-grantee
Niagara Falls Memorial Hospital		Title V sub-grantee
North Shore/ Long Island Jewish		Title V sub-grantee
Orange County Health Department		Title V sub-grantee
Pioneer Central School District		Title V sub-grantee
Suffolk Network on Adolescent Pregnancy		Title V sub-grantee
Syracuse Model Neighborhood Facility		Title V sub-grantee

Abstinence-Only-Until- Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)
Catholic Charities of Buffalo 2004-2007	\$800,000	SPRANS-CBAE (Implementation Grant)
Catholic Charities/ Schuyler 2001-2004		SPRANS-CBAE (Implementation Grant)
Catholic Charities of Southern Tier 2002-2005	\$280,000	SPRANS-CBAE (Implementation Grant)
H.O.P.E Initiative CDC 2002-2005	\$302,554	SPRANS-CBAE (Implementation Grant)
Jewish Child Care Association 2004-2007	\$797,010	SPRANS-CBAE (Implementation Grant)
Be'er Haolah Institutes 2004-2005 www.just-tzedakah.org	\$225,000	AFLA
Educators for Children, Youth, & Family 2004-2005	\$225,000	AFLA
Our Lady of Lourdes Memorial Hospital 2004-2005	\$300,000	AFLA
St. Luke's Roosevelt Hospital 2004-2005	\$225,000	AFLA

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New York Organizations that Support Comprehensive Sexuality Education

AIDS Community Services of
Western New York
206 S. Elmwood Ave.
Buffalo, NY 14201
Phone: (716) 847-2441

AIDS Rochester, Inc.
1350 University Ave.
Rochester, NY 14607
Phone: (585) 442-2220
www.aidsrochester.org

www.aidscommunityservices.com

Family Planning Advocates

of New York State

17 Elk St.

Albany, NY 12207 Phone: (518) 436-8408

www.fpaofnys.org

New York AIDS Coalition 231 W. 29th St., #1002 New York, NY 10001 Phone: (212) 629-3075 www.nyaidscoalition.org

Youth Organizers United 105 Washington St. New York, NY 10006 Phone: (212) 608-6365 www.aidsrochester.org

Gay Men's Health Crisis
The Tisch Building

119 W. 24th St. New York, NY 10011 Phone: (212) 367-1000

www.gmhc.org

Planned Parenthood of New York City

26 Bleecker St.

New York, NY 10012 Phone: (212) 274-7200

www.ppnyc.org

New York Organizations that Oppose Comprehensive Sexuality Education

Conservative Party of New York

New York Family Policy Council

486 78th St.

3 E-Comm Square

 486 78th
 3 E-Comm Square

 Brooklyn, NY 11209
 Albany, NY 12207

 Phone: (718) 921-2158
 Phone: (518) 432-8756

www.cpnys.org www.nyfpc.org

New York State Right to Life Committee

41 State St.

Albany, NY 12207 Phone: (518) 434-1293 www.nysrighttolife.org

Newspapers in New York

Big Apple Parent
Kirsten Matthew

Family/Parenting Editor

9 E. 38th St.

New York, NY 10016 Phone: (212) 889-6400

The Buffalo News Paula Voell

Family & Parenting Reporter

PO Box 100

Buffalo, NY 14240 Phone: (716) 849-4057

New York Post Faye Penn

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PO Box 2046
Middletown, NY 10940
Phone: (845)346-3181

The Village Voice
Health & Medicine Editor
36 Cooper Sq.
New York, NY 10003
Phone: (212) 475-3300

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¹ SIECUS was not able to obtain the exact funding amount for all grantees.

⁴ Ibid.

⁶ K. Matthews.

⁸ Ibid.

¹⁴ Scott Phelps and Libby Gray, A.C. Green's Game Plan (Golf, IL: Project Reality, 2001), 45.

² 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.

³ K. Matthews, "Lawsuit: New York Middle School Forced Pregnancy, STD Tests on Eighth-Graders," *NapaNews.com* (CA), 9 July 2003.

⁵ S. Saulny and A. Goodnough, "Suit Says School Ordered Girls Tested for Diseases After Party," *The New York Times*, 9 July 2003.

⁷ S. Saulny and A. Goodnough.

⁹ W. Kemble, "Parents Seek Sex Education Answers," *DailyFreeman.com*, 12 February 2003.

¹⁰ M. Claiborne and A. Ju, "'Josh' Getting Mixed Reviews – Play Sparks Controversy in ICSD," *Ithaca Journal*, Ithaca, NY, 24 October 2002; M. Claiborne, "'Keenan' Goes On Despite Protests," *The Ithaca Journal*, Ithaca, NY, 23 October 2002.

¹¹Unless 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/>. New York State's data does not include information from youth in New York City. New York City data is listed below.

¹² 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.

¹³ 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>.

¹⁵ In FY 2004 SPRANS–CBAE was administered within 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).

¹⁶ Bruce Cook, *Choosing the Best PATH*-Leader Guide (Marietta, GA: Choosing the Best Inc., 2000), 18.

¹⁷ SIECUS was unable to obtain exact funding amounts for all grantees.