



## Virginia

*Virginia received \$899,723 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2003.<sup>1</sup>*

### Virginia Sexuality Education Law

The Virginia Administrative Code states that all curriculum decisions are left to local school boards. Virginia gives permission for local school boards to develop sexuality education programs with the “goals of reducing the incidence of pregnancy and sexually transmitted diseases and substance abuse among teenagers.”

Virginia code requires each local school board to establish a school health advisory council of no more than 20 members. This council must have “broad-based community representation including, but not limited to, parents, students, health professionals, educators, and others.” This council shall decide health policies, including sexuality education, for the school district.

The law states that parents or guardians can remove their students from any class. This is referred to as an “opt-out” policy. In Virginia, “parents should be required to justify their requests.”

See Virginia Administrative Code 8VAC20-131-170, Virginia Administrative Code 8VAC20-170-10, and Code of Virginia 22.1-275.1.

### Recent Legislation

The Virginia legislature carries some bills over from one session to the next (decided in committee). Related 2003 and 2004 bills are listed. Virginia’s regular session ended on March 16, 2004.

#### *Medically Accurate Sexuality Education Bill Died, 2004 Session*

House Bill 1273, introduced on January 16, 2004, would have required that all materials used for family life curricula in Virginia be “designed to provide medically and factually accurate and objective information.” The bill was reported out of the Committee on Education and was considered on the floor on February 9. During debate, Republicans argued that the bill was “unnecessary” while Delegate Kristen Amundson (D), who sponsored the bill, said “We have people who are presenting information that is at best outdated and in some cases just flat wrong, and in some cases I think it’s dangerous to kids’ health.”<sup>2</sup>

<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 2003 begins on October 1, 2002 and ends on September 30, 2003.

<sup>2</sup> C. Bellantoni, “Rape education kept out of classes,” *The Washington Times* (Washington, DC), February 10, 2004.

The bill was defeated 55-35 in February 2004.

*Bill Requiring Instruction on EC Significantly Amended and Signed by Governor*

House Bill 1015, introduced in January 2004, was originally intended to require instruction on “the use of emergency contraception in response to sexual assault” in family life education courses. The bill was amended on the House floor in February, however, to instead require information on “steps to take to avoid sexual assault,” the availability of counseling, and the importance of immediate medical attention after a sexual assault. All references to emergency contraception were deleted. As amended, the bill passed the House on February 12 and was sent to the Senate.

Although additional amendments were made in the Senate, the House did not accept them. The Senate receded from its amendment and the bill was sent to Governor Mark Warner (D). The governor returned the bill with a recommended amendment, which was accepted in part by both the House and the Senate. The amendment does not change the effect of the bill. The governor signed the legislation on May 21, 2004.

**Events of Note**

*State Delegate Wants to End Emergency Contraception Availability at Virginia Universities  
May 2003*

Virginia State Delegate Robert G. Marshall (R) has worked to prevent emergency contraception from being distributed on college campuses in Virginia. The anti-choice state Delegate sent letters to ten state-supported universities in March 2003 asking officials to explain why their schools were giving out emergency contraception, also known as the “morning-after pill,” to students. In his letters, he said the pills are a form of abortion because they prevent implantation of a fertilized egg. He further wrote that the distribution of the pills violates state law, which requires that women seeking abortions receive information about the procedure and other alternatives and wait 24 hours before undergoing the procedure.

In response to these letters, the state attorney general sent a memo to the schools in question stating that they were not violating Virginia’s informed consent law by dispensing “morning after” birth-control pills to students. For the informed consent law to apply he explained, “the pregnancy of the woman must first be established.”<sup>3</sup> Because the drug is taken within hours of having unprotected sexual intercourse, this law does not apply. He went on to say that the decision of whether to dispense emergency contraception is a choice each college’s board of trustees would have to resolve for themselves.

In addition to his letters, Delegate Marshall filed a Freedom of Information Act request with the University of Virginia to determine whether officials have kept records of students who receive emergency contraception. He has also accused the University of Virginia of giving out the drug before it was approved by the FDA in 1998.

In January 2004, Marshall introduced Virginia House Bill 1414. The bill would have prohibited the distribution of emergency contraception at state-supported colleges and universities. The bill passed the House but died in the Senate.

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<sup>3</sup> B. Lewis, “Colleges Don’t Break Informed Consent Law With ‘Morning-After’ Pills,” *Associated Press*, May 9, 2003.

*Virginia University Students Fight Back Against Emergency Contraception Ban  
May 2003; Harrisonburg, VA*

In 2003, James Madison University became the first school to end the availability of emergency contraception based on Virginia State Delegate Robert G. Marshall (R)'s letter of complaint. After receiving the letter, the University's trustees ordered the campus health center to stop dispensing the pills. The trustees said that they had not been aware of the availability of the pills. The trustees also looked at the issue of whether to prohibit health center physicians from writing prescriptions for the pills to be filled at outside pharmacies, but postponed that decision.

Students, outraged by this decision, worked to pass a Student Senate bill asking the board of trustees to reverse its decision. A petition supporting this bill was signed by over 2,700 students.

As they signed the petition, many young men and women talked about the extreme need for emergency contraception on campus. One senior explained, "Freshman, especially, are young and dumb," and said that four years ago she had made a mistake and the health center provided emergency contraception and counseling "without making me feel like an idiot."<sup>4</sup> A sophomore said that she went to the health center after being sexually assaulted by several young men late at night and that getting emergency contraception was a "huge relief."

The school health center nurse agreed with the students. She argued that eliminating the chance of pregnancy early prevented later, more dangerous, alternatives such as abortion. She also pointed out that the FDA classifies emergency contraception pills as contraceptives. In fact, emergency contraception is a higher dosage of the same hormones found in birth control pills.

The Student Senate passed the bill 54 to 6, with 4 abstentions. In February 2004, the James Madison University Board of Visitors voted to reverse the ban on emergency contraception, after four new members were added to the Board.

*Virginia Delegate Disapproves of Safer-Sex Lessons On Campus  
May 2003; Harrisonburg, VA*

Virginia State Delegate Robert G. Marshall's (R) disapproval of campus activities related to sexual health didn't stop with emergency contraception. He has also voiced opposition to James Madison University's "SexFest 2003." He was particularly upset by a demonstration of how proper use of condoms can be important when under the influence of substances such as alcohol. He wrote a letter to the university president blasting him for not "providing better leadership."<sup>5</sup>

The university president defended the event, saying that it was intended to teach students about safer sex.

*School Survey of Sexual Behavior Postponed Indefinitely  
April 2003; Fairfax County, VA*

Fairfax County has canceled a much-publicized student survey that included, among other things, questions about students' sexual behaviors, because the company hired to administer the survey feared it would be sued.

The survey was criticized as being an invasion of students' personal lives by some. In contrast, supporters of the survey argued it was necessary to discover what sort of risk-taking students were engaging in and what, in turn, could be done to protect the students. County officials often rely on survey results to focus health curricula and apply for grants. Participation

<sup>4</sup> L. Sessions Stepp, "Ban On Morning-After Pill Spurs Protest," *Chicago Tribune*, May 7, 2003.

<sup>5</sup> J. Ward, "Lawmaker Tells Colleges To Curb Sex Education," *The Washington Times*, May 18, 2003.

in the survey was set to be voluntary, and the sexual behavior questions were only to be asked of sophomores and seniors in high school.

Due to the community concerns, the company hired to conduct the survey wanted the county to release it from liability, but county attorneys said that Virginia law made that impossible. The survey company vice president said that “we didn’t have an issue with the content – the handful of sex questions that were added by Fairfax County. We just made a business decision that we couldn’t take a legal risk...”<sup>6</sup>

The county hopes to be able to conduct a survey in the future.

*Parents’ Concerns Initiate New Review of Sexuality Education Program*

*March 2003; Gloucester, VA*

The Gloucester School Division’s Family Life Advisory Committee will be expanded and will review the sexuality education program as a result of complaints made by one of the parents on the committee.

The parent spoke to the school board expressing concern that some information discussed in the classroom was not presented for parental approval prior to the class. She was also concerned with the use of question boxes in the classroom.

The school’s assistant superintendent for instruction responded to her complaints and said the question boxes have been removed from the classrooms while the matter is studied. The superintendent then said that the school board must decide what type of sexuality education program they want in the schools. Once decided, an expanded committee, including public health doctors, nurses, and clergy members, will review the program and allow for comments from the community.

*Despite Criticism, Book Remains on Library Shelves*

*March 2003; Fairfax, VA*

In mid-March, the Fairfax, VA, School Board voted 7 to 1 to keep the young adult novel *Witch Baby*, by Francesca Lia Block on the library shelves, saying that that it was indeed suitable for elementary and middle school collections. The book had been criticized in part because it discusses homosexuality. A local group, Parents Against Bad Books in Schools, responded to the decision on its website saying, “We now know the school system does not consider placement of fictional material advocating ‘alternative’ sexual orientations, even in the elementary schools, to be a mistake on their part.”<sup>7</sup>

*Fairfax County’s Controversy On Adding “Sexual Orientation” to Its Nondiscrimination Code*  
*September 2002; Fairfax, VA*

The school board in Fairfax, VA, considered adding the phrase “sexual orientation” to the district’s nondiscrimination code for students, employees, and job applicants thereby barring discrimination against anyone based on their sexual orientation.

The proposal for this change was brought to the attention of the Fairfax County School Board after several staff members complained that they were being harassed and felt their jobs were being threatened due to their sexual orientation.

<sup>6</sup> J. Ward, "Fairfax Pulls the Plug on Sex Survey," *The Washington Times*, April 24, 2003.

<sup>7</sup> "School Board Vote on *Witch Baby*," *PABBIS News*, March 14, 2003. Available online at: <http://www.pabbis.com/news.htm>

The Culture and Family Institute, a subgroup of Concerned Women for America, a national conservative organization, helped establish an active campaign against this proposal. The group published a list of 15 reasons to oppose the change ranging from “homosexual activities are unhealthy” to the possibility that this would lead to “escalating homosexual activism in schools.”<sup>8</sup>

They also helped orchestrate a rally before a recent school board meeting. The school board has postponed the decision in order to check with the state attorney general’s office about the legal issues involved.<sup>9</sup>

*Abandoned Newborn Fuels Discussion of Sexuality Education*  
*April 2002; Virginia Beach, VA*

In March 2002, a newborn infant was found dead in the women’s bathroom at First Colonial High School after the sophomore who gave birth to it abandoned the baby. This was the second case of abandonment by a teen mother in the county in two months. Since that time, the community has engaged in debate over the most effective means of preventing such occurrences.

While many have advocated for increased sexuality education, access to birth control, and information about adoption and abortion, others have advocated stressing abstinence and “stronger rule-setting” by parents. Students have called for more information on “condoms and how to use them” as well as letting kids know “that they’re not alone if they get pregnant.” District officials feel, however, that schools were already “doing everything they feel comfortable with and the community feels comfortable with.”<sup>10 11</sup>

### **Virginia’s Youth: Statistical Information of Note**

- In 2000, Virginia’s abortion rate was 21 per 1,000 women ages 15-19 compared to a teen abortion rate of 24 per 1,000 nationwide.<sup>12</sup>
- In 2001, Virginia’s birth rate was 40 per 1,000 women ages 15-19 compared to a teen birth rate of 45 per 1,000 nationwide.<sup>13</sup>

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

Virginia received \$828,619 in federal Title V funding in Fiscal Year 2003. 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. Virginia matches the federal money with \$345,098 of state funds. This money is received by the Virginia Department of Health, Office of Family Health’s Abstinence Education Initiative.

<sup>8</sup> P. LaBarbera, *15 Good Reasons to Oppose ‘Sexual Orientation’ (Homosexuality) Codes in Schools*, (Washington, DC: Culture and Family Institute, Concerned Women for America, July 19, 2002). Available online at: [www.cultureandfamily.org/library/papers/23tp007.shtml](http://www.cultureandfamily.org/library/papers/23tp007.shtml).

<sup>9</sup> “Fairfax Schools Defer Vote on Gays,” *The Washington Times*, July 26, 2002.

<sup>10</sup> E. Simpson, “Agencies See Baby’s Death as a Chance to Reach Out,” *The Virginian-Pilot*, Mar. 22, 2002.

<sup>11</sup> S. White, “Sex Education Still Looks Difficult for Schools,” *The Virginian-Pilot*, Mar. 20, 2002.

<sup>12</sup> *U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information*, (New York: Alan Guttmacher Institute, February, 2004). Available online at [www.guttmacher.org](http://www.guttmacher.org).

<sup>13</sup> A. Papillo, et.al., *Facts at a Glance*, (Washington, DC: Child Trends, February, 2004).

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The Abstinence Education Initiative funds five programs: *Reasons of the Heart*, *Individuals Abstaining 'Til Marriage*, *Very Important Persons*, *I Can Abstain Now*, and *My Choice, My Future!*. A media campaign, based on the *Not Me, Not Now* campaign, receives approximately \$214,000 and evaluation programs receive approximately \$160,000. Additionally, the Virginia Abstinence Education Initiative receives an extra \$211,000 through Temporary Aid to Needy Families (TANF) for salaries, trainings, and other technical assistance.

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

There is one SPRANS–CBAE grantee in Virginia: the Institute for Youth Development. There are no AFLA grantees in Virginia.

The Institute for Youth Development focuses on “a comprehensive risk avoidance message to youth for five harmful risk behaviors that are inextricably linked: alcohol, drugs, sex, tobacco and violence.” The Institute places emphasis on parent-child relationships and the connections between the aforementioned “risk behaviors.”

**Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2003**

<b>Abstinence-Only-Until-Marriage Grantee</b> <b>Length of Grant</b>	<b>Amount of Grant</b>	<b>Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)</b>
Virginia Department of Health Office of Family Health Virginia Abstinence Education Initiative  <a href="http://www.vahealth.org/abstinence/index.htm">www.vahealth.org/abstinence/index.htm</a>	\$828,619 federal/ \$345,098 state	Title V
Alliance for Children and Families <i>Individuals Abstaining 'Til Marriage</i>	Approximately \$289,000*	Title V sub- grantee
DUAL GRANTEE <i>Reasons of the Heart</i>	Approximately \$289,000*	Title V sub-grantee
Horizons Unlimited Ministries <i>Very Important Person</i>	Approximately \$125,000	Title V sub-grantee
Powhatan Partners in Prevention Coalition with Powhatan Health Department	Approximately	Title V sub-grantee

\* Alliance for Children and Families receives two grants of approximately \$289,000 which are used to run *Individuals Abstaining 'Til Marriage* and *Reasons of the Heart*.

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<b>Abstinence-Only-Until-Marriage Grantee</b> <b>Length of Grant</b>	<b>Amount of Grant</b>	<b>Type of Grant</b> <b>(includes</b> <b>SPRANS–CBAE,</b> <b>Title V, and</b> <b>AFLA)</b>
<i>My Choice, My Future!</i>	\$120,000	
Sussex Rural Abstinence Program <i>I Can Abstain Now</i>	Approximately \$155,000	Title V sub-grantee
Institute for Youth Development  2002-2003  <a href="http://www.youthdevelopment.org">www.youthdevelopment.org</a>	\$71,104	SPRANS–CBAE (Planning Grant)

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

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Virginia Department of Health  
Office of Family Health Services  
1500 East Main St., Suite 104  
PO Box 2448  
Richmond, VA 23218

**Virginia Organizations that Support Comprehensive Sexuality Education**

Equality Virginia  
6 N. 6th St.  
Suite LL3  
Richmond, VA 23219  
Phone: (804) 643-4816  
[www.eqaulityvirginia.org](http://www.eqaulityvirginia.org)

Planned Parenthood Advocates of  
Virginia  
3415 Floyd Ave.  
Richmond, VA 23230  
Phone: (804) 254-1760  
[www.ppav.org](http://www.ppav.org)

**Virginia Organizations that Oppose Comprehensive Sexuality Education**

American Life League  
P.O. Box 1350  
Stafford, VA 22555  
Phone: (540) 659- 4171  
[www.all.org](http://www.all.org)

The Family Foundation  
830 E. Main St.  
One Capital Square, Suite 1201  
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