



DELAWARE

Delaware received \$710,516 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2005.¹

Delaware Sexuality Education Law and Policy

Delaware requires sexuality education as part of health education in kindergarten through twelfth grade. This education must be coordinated by an employee in each school district and must be overseen by a District Consolidated Application Planning Committee. The Committee must consist of teachers, parents, school nurses, community leaders, law enforcement, and other community members. Sexuality education courses must also follow the *Delaware Health Education Curriculum*.

Sexuality education must include an “HIV-prevention program that stresses the benefits of abstinence from high-risk behaviors.” Delaware law also sets a minimum number of hours for “comprehensive health education and family life education.” In kindergarten through grade 4, this minimum is set at 30 hours in each grade, 10 of which must be dedicated to drug/alcohol education. In grades 5 and 6, the minimum is set at of 35 hours per grade, 15 of which must be dedicated to drug/alcohol education. In grades 7 and 8, the minimum is set at 60 hours per grade, 15 of which must be dedicated to drug/alcohol education. In order to graduate, high school students must receive one-half of a credit in comprehensive health education.

Delaware does not require parental permission for students to participate in sexuality or HIV/AIDS education nor does it say whether parents or guardians can remove their children from such classes.

See Delaware Administrative Code 14-851.

Recent Legislation

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

Events of Note

*Teacher Sues Catholic School after Being Fired for Pro-Choice Beliefs
December 2004; Wilmington, DE*

An English teacher at Ursuline Academy, an independent Catholic school for girls in Wilmington, DE, was fired in late January 2003 after school officials saw her name listed in an advertisement commemorating the *Roe v. Wade* decision. The school follows the anti-choice stance of the Catholic Church and said they fired the teacher for not adhering to the church’s teachings. Before firing her, they gave her the option of resigning or publicly recanting her pro-

choice beliefs. School officials argued that she should have known about the school's stance on abortion.

The teacher said she was surprised when the school took issue with her name appearing in the ad. She had volunteered with Planned Parenthood since April of 2002, although she had never stated her involvement in public. She said, "I felt fairly humiliated and beside myself about it. Nothing I did publicly ever had anything to do with the classroom. What was more upsetting was that I realized I couldn't go back to the classroom."² In response, the teacher filed a federal discrimination complaint with the U.S. Equal Employment Opportunity Commission (EEOC) accusing the school of gender and pregnancy discrimination.³

Then, in early November 2003, the teacher filed a federal lawsuit claiming that she was illegally fired for supporting abortion rights because she is a woman. She claims that the church and the school have not taken similar actions against men who did not follow church doctrine. The lawsuit was filed against the school, the school's former president, the school's communications director, as well as the Catholic Diocese of Wilmington and the head of the Diocese. It claimed that the teacher's rights to express freely her views on abortion, as protected by the Civil Rights Act, were violated. It further contended that her privacy rights were violated because school officials spoke publicly about the firing. She sought reinstatement of her job, back pay, and punitive damages.

In November 2004, a federal judge threw out the lawsuit, ruling that courts cannot hinder the right of religious institutions to teach their own values. In December 2004, the teacher filed an appeal with the U.S. Court of Appeals for the Third Circuit in Philadelphia, which was heard in January 2006. The outcome of the appeal is not yet known.

Delaware's Youth: Statistical Information of Note⁴

- In 2005, 51% of female high school students and 59% of male high school students in Delaware reported ever having had sexual intercourse compared to 46% of female high school students and 48% of male high school students nationwide.
- In 2005, 5% of female high school students and 17% of male high school students in Delaware 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, 16% of female high school students and 22% of male high school students in Delaware 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, 40% of female high school students and 39% of male high school students in Delaware reported being currently sexually active (defined as having had sexual intercourse in the three months prior to the survey) compared to 35% of 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, 57% of females and 71% of males in Delaware 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, 19% of females and 16% of males in Delaware 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, 16% of females and 26% of males in Delaware 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, 91% of high school students in Delaware reported having been taught about AIDS/HIV in school compared to 88% of high school students nationwide.
- In 2000, Delaware's abortion rate was 31 per 1,000 women ages 15–19 compared to a teen abortion rate of 24 per 1,000 nationwide.⁵
- In 2002, Delaware's birth rate was 46 per 1,000 women ages 15–19 compared to a teen birth rate of 43 per 1,000 nationwide.⁶

Title V Abstinence-Only-Until-Marriage Funding

Delaware received \$93,000 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. Delaware requires its sub-grantees to make up the match.

The Delaware Department of Health and Social Services, Division of Public Health has authority over the Title V abstinence-only-until-marriage funding. The Division of Public Health uses some of the federal funding for administrative costs, but uses the bulk of it to fund community groups.

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

- Promote abstinence for adolescents 9–14 years of age;
- Encourage parents to accept responsibility for proactive and preventive sexuality education of their children; and
- Increase community awareness about the importance of teen pregnancy prevention and the gains to be realized from teens abstaining from sexual activity.⁷

Sub-grantees in Delaware include three Boys and Girls Clubs (Boys and Girls Club of Liberty Court (Dover), Boys and Girls Club of Milford, and Boys and Girls Club of Greater

Newark), Ask Pat, and A Door of Hope. A Door of Hope is a crisis pregnancy center. Crisis pregnancy centers typically advertise as providing medical services and then use anti-abortion propaganda, misinformation, and fear and shame tactics to dissuade women facing unintended pregnancy from exercising their right to choose.

These sub-grantees use a variety of curricula, including *A.C. Green’s Game Plan* and *Smart Moves*. SIECUS reviewed *Game Plan* and found that in order to convince high school students to remain abstinent until marriage, the curriculum relies on messages of fear and shame, inaccurate and misleading information, and biased views of marriage, sexual orientation, and family structure. In addition, *Game Plan* fails to provide important information on sexual health, including how students can seek testing and treatment if they suspect they may have an STD. 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.”⁸

Community-Based Abstinence Education (CBAE)⁹ and Adolescent Family Life Act (AFLA) Grantees

There is one CBAE grantee in Delaware: Professional Counseling Resources, Inc. There are no AFLA grantees in Delaware.

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

Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes Title V CBAE, and AFLA)
Delaware Department of Health and Social Services, Division of Public Health www.state.de.us/dhss/dph/	\$93,000 federal	Title V
Ask Pat	\$10,000	Title V sub-grantee
Boys and Girls Club of Liberty Court (Dover)	\$49,995	Title V sub-grantee

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Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes Title V CBAE, and AFLA)
Boys and Girls Club of Milford www.bgclubs.org/bg_clubs.html	\$35,620	Title V sub-grantee
Boys and Girls Club of Greater Newark	\$20,000	Title V sub-grantee
Door of Hope www.adoorofhope.org	\$31,148	Title V sub-grantee
Professional Counseling Resources, Inc.	\$617,516	CBAE

Title V Abstinence-Only-Until-Marriage Coordinator

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

Delaware Organizations that Support Comprehensive Sexuality Education

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

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

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

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

Delaware Organizations that Oppose Comprehensive Sexuality Education

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

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

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

Newspapers in Delaware

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

The News Journal
Cecilia Le
Education Reporter
950 W. Basin Rd.
New Castle, DE 19720
Phone: (302) 324-2794

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

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

¹ This refers to the fiscal year for the Federal Government, which begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; for example, Fiscal Year 2005 begins on October 1, 2004 and ends on September 30, 2005.

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

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

⁴ Unless otherwise cited, all statistical information comes from: 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>>.

⁵ *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>.

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

⁷ *Abstinence Education*, Delaware Department of Health and Social Services, Division of Public Health (15 August 2005), accessed 10 January 2006, <<http://www.dhss.delaware.gov/dph/chca/dphahabed01.html>>.

⁸ 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>.

⁹ 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).