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Community-based organizations in New Mexico received approximately \$1,336,466 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2007.¹

New Mexico Sexuality Education Law and Policy

New Mexico does not mandate that schools teach sexuality education; however, it does mandate that “each school district shall 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.” This instruction must include “ways to reduce the risk of getting AIDS, stressing abstinence.” Outcomes of such instruction should include the “ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.”

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

New Mexico offers *Content Standards for Health Education* that includes 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, other pregnancy prevention methods).”

New Mexico’s *Health Education Standards with Benchmarks and Performance Standards* states 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 the sexuality performance standards.” In addition, 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, 6.30.2.19, and *Health Education Standards with Benchmarks and Performance Standard*.

Recent Legislation

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

Events of Note

Gay-Straight Alliance Permitted in Effort to Preserve Other Extracurricular Activities

November 2007; Farmington, NM

The Municipal School Board of Education in Farmington, New Mexico, has decided to permit a high school Gay-Straight Alliance to form. Although some members had reservations about the club's alleged sexual nature, the school board was motivated by the threat of losing all extracurricular clubs and activities if the Gay-Straight Alliance was banned.²

The federal Equal Access Act prohibits schools from allowing some extracurricular clubs and activities and not others. The American Civil Liberties Union threatened legal action on these grounds if the Gay-Straight Alliance was not allowed to form.³

Taking those warnings to heart, the school board weighed the value of other activities against its disapproval of the Gay-Straight Alliance club itself. The board's deputy secretary said, "The choice to ban all clubs would eliminate any benefit we as a school board are currently contributing back to the community."⁴ He cited Boy Scouts meetings, Little League baseball, and Special Olympics practices as some important uses of school facilities. The board felt those services were too valuable to lose, and decided to continue to permit any club, including the Gay-Straight Alliance, to form. Some school board members remained upset with this decision and have lobbied the state legislature in the hopes of a law that will allow them to ban the Gay-Straight Alliance while keeping other activities.⁵

In the meantime, the board is moving forward a new policy that places additional restrictions on club formation and participation. Under the new policy, students will now be required to obtain parental permission for participation in activities. In addition, the board is setting up a committee to review content regulation procedures. Clubs may also have to reapply for formation on a yearly basis.⁶

School Board Questioned on Violation of State Requirements, Conflicts of Interest

February 2007; Rio Rancho, NM

In January 2007, the Rio Rancho school board voted to continue an abstinence-only-until-marriage program despite the fact that it violated state requirements for comprehensive sexuality education. At the time, the mayor and one of the school board members (who are married to each other) worked for Best Choices Educational Service, the group that provides Rio Rancho's abstinence-only-until-marriage programming.

Best Choices Education Service receives federal grant money for its programs, but according to New Mexico educational regulations which require that schools include information on contraception and sexually transmitted diseases for 7th through 12th graders, its programs should not be allowed in schools.

Though several members voiced apprehension about voting for an educational program that defied state requirements, the board approved the program 4-1. The ACLU of New Mexico (ACLU-NM) criticized the board for its decision, commenting that members had, "voted to prescribe a certain teaching based on a narrow set of moral assumptions that not all families in Rio Rancho share."⁷

The ACLU-NM also called out the one board member's apparent conflict of interest. "It would appear there is a conflict of interest whereby [one member] voted for a policy not only in violation of state regulations but also one that benefits an organization she works for," the ACLU-NM's executive director commented.⁸

In an August 2007 editorial, the *Albuquerque Tribune* agreed with the ACLU-NM and decried the board's decision. By the time the editorial came out, the school board member working for Best Choices had decided not to run for re-election when her term expired. Her husband, the former director of Best

Choices was fired by the organization and had also stepped down as Mayor after months of unanswered questions about his practice of charging both the city and Best Choices for the same trip expenses.⁹

The controversy has also caught the attention of the state Education Department. A spokesperson for its School and Family Support Bureau said the department would review Rio Rancho's policies, and if necessary, enforce a deadline for compliance.¹⁰

New Mexico's Youth: Statistical Information of Note¹¹

- In 2007, 4% of female high school students and 11% of male high school students in New Mexico reported having had sexual intercourse before age 13 compared to 4% of female high school students and 41% of male high school students nationwide.
- In 2007, 12% of female high school students and 16% of male high school students in New Mexico reported having had four or more lifetime sexual partners compared to 12% of female high school students and 18% of male high school students nationwide.
- In 2007, 33% of female high school students and 30% 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 34% of male high school students nationwide.
- In 2007, among those high school students who reported being currently sexually active, 49% of females and 63% of males in New Mexico reported having used condoms the last time they had sexual intercourse compared to 55% of females and 69% of males nationwide.
- In 2007, among those high school students who reported being currently sexually active, 22% of females and 17% of males in New Mexico reported having used birth control pills the last time they had sexual intercourse compared to 19% of females and 13% of males nationwide.
- In 2007, among those high school students who reported being currently sexually active, 20% of females and 29% of males in New Mexico reported having used alcohol or drugs the last time they had sexual intercourse compared to 18% of females and 28% of males nationwide.
- In 2007, 83% of high school students in New Mexico reported having been taught about AIDS/HIV in school compared to 90% of high school students nationwide.

Title V Abstinence-Only-Until-Marriage Funding

The New Mexico Department of Health received \$502,785 in federal Title V abstinence-only-until-marriage funding in Fiscal Year 2007. 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. SIECUS was unable to obtain information on the exact amount the state received, how the required match is made, or how the monies were spent in New Mexico in Fiscal Year 2007. The funding is controlled by the New Mexico Department of Health Family Planning Program.

Title V Abstinence-Only-Until-Marriage Funding Status

In December 2007, Governor Bill Richardson of New Mexico decided no longer to participate in the Title V abstinence-only-until-marriage program. The Governor's Health Secretary, Alfredo Vigil, announced the decision. Dr. Vigil cited several reasons why New Mexico will not reapply for the federal abstinence-only-until-marriage funds: "There has never been a scientific consensus about this," Dr. Vigil explained. He continued, "It had an ideological base from people who just wanted this to happen for all kinds of reasons."¹² The decision goes into effect for Fiscal Year 2008.

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

There are two CBAE grantees in New Mexico: Best Choices Educational Services, Inc., and Socorro General Hospital.

The CBAE grantee, Best Choices Educational Services, Inc. uses *A.C. Green's Game Plan* in its programming. SIECUS reviewed *Game Plan* and found that the curriculum relies on messages of fear and shame, inaccurate and misleading information, and biased views of marriage, sexual orientation, and family structure to convince high school students to remain abstinent until marriage. 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."

Best Choices Educational Services, Inc., was under investigation by the U.S. Department of Health and Human Services and the Federal Bureau of Investigation (FBI) in 2007 for its handling of its grant.¹³ The investigation stemmed from questionable billing practices by Kevin Jackson, then serving as both the Executive Director of Best Choices and the Mayor of Rio Rancho, who billed both the organization and the city of Rio Rancho for the same out-of-town trip. Jackson resigned from both positions in 2007 amid questions about his use of a city credit card.¹⁴ Best Choices Education applied for another CBAE grant in 2007, but the application was not accepted. (See the Events of Note section for more information on Best Choices and the Rio Rancho school district.)

Socorro General Hospital conducts an abstinence-only-until-marriage program under the hospital's "Healthy Family Initiative."¹⁵ Operating in the Socorro County, Alamo Navajo, Magdalena, La Promesa in Veguita, and Otero County areas, the Healthy Family Initiative conducts presentations about abstinence-until-marriage, tobacco prevention, sun safety awareness, family outreach, and youth development.¹⁶

Healthy Family Initiative also runs the "Wake Up and Drive – Abstinence Works!" website. In both Spanish and English, this website offers a section comparing marriage, sexuality, and car buying, and states, "Becoming physically intimate may sound like a good idea, like taking a 'test drive,' but it can lead to real problems in a relationship. Having sex before marriage to determine if the relationship will work out, is not taking a 'test drive!' It is more like driving recklessly!"¹⁷ This section also answers questions from young readers. One asked "How much physical contact is okay when I'm dating someone?" The answer: "Remember that holding hands leads to kissing, deep kissing leads to petting, and petting can lead straight to sexual intercourse in moments of passion."¹⁸ Suggesting sexual behavior is a force outside of young people's control actually discourages them from making wise sexual decisions and taking responsibility for their actions. Young people need to know that at any point in a relationship, and at any

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point during sexual activity, they have the right and the ability to set their own sexual boundaries and that it is their responsibility to do so.

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2007

Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes Title V, CBAE, AFLA, and other funds)
New Mexico Department of Health	\$502,785*	Title V
Best Choices Educational Services, Inc. 2004–2007 www.makethebestchoice.org	\$536,583	CBAE
Socorro General Hospital 2005–2008 www.phs.org/facilities/socorro/index.shtml	\$799,883	CBAE

* SIECUS was unable to obtain the exact amount of Title V abstinence-only-until-marriage funding New Mexico received or how the funds were used in Fiscal Year 2007.

Adolescent Health Contact¹⁹

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 Social and Community Services Coordinator
 Substance Abuse Prevention
 New Mexico Department of Health
 1190 St. Francis Dr., 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

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

NARAL Pro-Choice New Mexico
P.O. Box 97
Albuquerque, NM 87103
Phone: (505) 243-4443
www.prochoicenewmexico.org

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

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

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

Right to Life Committee of New Mexico
2800 San Mateo NE, Suite 107
Albuquerque, NM 87110
Phone: (505) 881-4563
www.rtlnm.org

Newspapers in New Mexico²⁰

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

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

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

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

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

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

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

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

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

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 2007 begins on October 1, 2006 and ends on September 30, 2007.

² Cory Frolik, "Gay-Straight Club Gets an OK: Board Votes to Uphold Policy," *Daily Times* (NM), 12 October 2007, accessed 16 October 2007, <www.daily-times.com/news/ci_7154055>.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Elaine Briseño, "Sex Ed Vote Raises Conflict Concern," *Albuquerque Journal*, 28 February 2007, accessed 6 March 2007, <www.abqjournal.com/riorancho/542055west_news02-28-07.htm>.

⁸ Michael Gisick, "ACLU Cries Foul Over Rio Rancho Sex Ed Policy," *Albuquerque Tribune*, 27 February 2007, accessed 28 February 2007,

<www.abqtrib.com/news/2007/feb/27/aclu-cries-foul-over-rio-rancho-sex-ed-policy/>.

⁹ "Editorial: Abstinence Program Needs Close Review," *Albuquerque Tribune*, 31 August 2007, accessed 4 September 2007, <www.abqtrib.com/news/2007/aug/31/editorial-abstinence-program-needs-close-review/>.

¹⁰ Gisick, "ACLU Cries Foul Over Rio Rancho Sex Ed Policy."

¹¹ Unless otherwise cited, all statistical information comes from: Danice K. Eaton, et. al., "Youth Risk Behavior Surveillance—United States, 2007," Surveillance Summaries, Morbidity and Mortality Weekly Report 57.SS-4 (6 June 2008), accessed 4 June 2008, <http://www.cdc.gov/HealthyYouth/yrbs/index.htm>.

¹² “State Abstains From Funds,” *Clavis News Journal*, 19 December 2007, accessed 31 March 2008, <http://www.cnjonline.com/news/abstinence_24283_article.html/education_new.html>.

¹³ James W. Bronson, “Albuquerque Nonprofit Abstinence Program Under Investigation; Future Uncertain,” *The Albuquerque Tribune*, 24 August 2007, accessed 4 April 2008, <<http://www.abqtrib.com/news/2007/aug/24/albuquerque-nonprofit-abstinence-program-under-inv/>>.

¹⁴ Ibid.

¹⁵ “Maternal Child Health Is Now ‘Healthy Family Initiative’” *Mountain Mail Newspaper*, 21 December 2006, accessed 4 April 2008, <<http://www.mymountainmail.com/stories/heahealth12-21-0620061221.php>>.

¹⁶ Ibid.

¹⁷ “Car Sales,” *Wake Up and Drive – Abstinence Works!* (2006), accessed 4 April 2008, <<http://wakeupanddrive.net/en/page.php?p=Car%20Sales>>.

¹⁸ Ibid.

¹⁹ SIECUS has identified this person as a state-based contact for information on adolescent health and if applicable, abstinence-only-until-marriage programs.

²⁰ This section is a list of major newspapers in your state with contact information for their newsrooms. This list is by no means inclusive 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](#).