



New York

New York received at least \$7,127,224 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2003.¹*

New York Sexuality Education Law

Health education is required in kindergarten through sixth grade for all students. 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.

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.

See New York Commissioner’s Regulations 135.3.

* Exact funding information for one SPRANS-CBAE grantee in New York was not available to SIECUS.

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

New York State has developed multiple programs to address unintended pregnancy, sexually transmitted diseases, and HIV/AIDS among youth.

- *Adolescent Pregnancy Prevention Program (APPS)*
APPS provides funding to lead organizations to coordinate pregnancy prevention efforts in the most high-risk communities in New York State. These programs have been shown to have a positive effect with lower rates of pregnancy among participants than non-participants. Unfortunately, these programs only reach 29 communities statewide, approximately 10,000 youth (APPS Annual Report 1998-2002, NYSDOH). APPS receives \$7.6 million of funding through the New York State Department of Health (NYS DOH) and has not received an increase in funding for eleven years.
- *Assets Coming Together for Youth (ACT)*
ACT provides funding for the creation of Community Development Partnerships. These Partnerships engage a broad assortment of organizations, including government, business, and faith communities, to work on improving health, education, and social outcomes for youth. This includes working with youth around issues of risky sexual behavior, violence, and self-esteem. ACT is funded through the NYS DOH at \$2.6 million per year targeted at 11 community organizations.
- *Community-Based Adolescent Pregnancy Prevention Program (CBAPP)*
CBAPP targets 54 at-risk zip codes for the purpose of reducing the rate of pregnancy among teenagers residing in those communities. This program promotes abstinence; expands educational, recreational, and vocational opportunities for young people; and provides access to family planning services. CBAPP receives \$6.3 million per year through NYSDOH.

Recent Legislation

The New York legislature carried bills over from the 2003 to the 2004 session. New York's legislature meets throughout the year.

Age Appropriate, Medically Accurate Comprehensive Sex Education Grant Program Proposed House Bill 8599, introduced on May 21, 2003 and Senate Bill 7201, introduced on April 28, 2004, would establish an age-appropriate sexuality education grant program with the intent of providing "at-risk adolescents with the information, assistance, skills and support to enable them to make responsible decisions, including abstaining from sexual intercourse and for those who do become sexually active, the use of condoms or contraceptives effectively." The bill outlines the parameters of such programs, including that they must be medically accurate and provide information on contraceptives. The bill provides \$20 million for this program in its first year with increasing dollar amounts for subsequent years.

Both bills were amended in committee in May 2004 to strengthen the medical accuracy and age-appropriate language as well as clarify grant eligibility. At press time, no further action had been taken.

Dignity for All Students Act

The *Dignity for All Students Act*, Assembly Bill 1118 and Senate Bill 1925, introduced on January 14, 2003 and February 14, 2003, respectively, would direct each school district, with

direction from the commissioner on education, to establish policies, create programs, and develop instruction intended to eradicate discrimination in public schools based on various factors, including sexual orientation.

The Assembly bill passed on March 8, 2004 and is now in the same Senate committee as SB 1925. At press time, no further action had been taken.

Bill to Protect LGBT Youth

House Bill 7199, introduced on March 24, 2003, would require training on lesbian, gay, bisexual, transgender, and intersex issues (LGBT) for employees of facilities operated by the Office of Children and Family Services. The purpose of the bill is to protect LGBT youth in such facilities from harassment, discrimination, and abuse and to increase tolerance and diversity. The bill is in response to evidence demonstrating that such youth often face harassment, discrimination, and violence in Office of Children and Family Services facilities.

At press time, no action had been taken.

Bill to Expand Eligibility for Adolescent Pregnancy Prevention and Services

House Bill 4631, introduced on February 19, 2003, would expand the definition of “eligible adolescent” in the adolescent pregnancy prevention and services act to extend benefits to more young people.

At press time, no action had been taken.

Bill Prohibiting Instruction on “Alternative Relationships”

House Bill 10141, introduced in March 2004, would prohibit “instruction relating to sexual lifestyles that are alternative to heterosexual relationships, including but not limited to homosexual relationships, except in the context of instruction concerning the risk and prevention of sexually transmitted disease.”

At press time, no action had been taken.

Events of Note

New Yorkers Support a Comprehensive Approach to Sexuality Education

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. Eighty percent of Democrats, 68% of Republicans, and 74% of Independents support such programs.

Teen Girls Required to Present Results of STD and Pregnancy Tests to School Officials

June 2003; New York, NY

New York City school administrators allegedly forced approximately ten 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, many of the young women brought notes stating 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 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.⁶ "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."⁷ 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."⁸ 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."⁹

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 on forced medical testing would never be supported. He said that there were certain factual issues that needed to be resolved with the case.¹⁰

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.¹¹

*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. . . ."³

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 do they authorize 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.

*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 canceled. 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."²

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

*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 Note²

- 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.

² Unless otherwise cited, all statistical information comes from: J. Grunbaum, et. al., "Youth Risk Behavior Surveillance — United States, 2003," *Surveillance Summaries, Morbidity and Mortality Weekly Report*, vol. 53, no.SS-2, May 21, 2004, pp. 1-95. Available online at: <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.

- 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 AIDS/HIV 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.³
- In 2001, New York's birth rate was 32 per 1,000 women ages 15-19 compared to a teen birth rate of 45 per 1,000 nationwide.⁴

New York City's Youth: Statistical Information of Note

- 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.

³ 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.

⁴ A. Papillo, et.al., *Facts at a Glance*, (Washington, DC: Child Trends, February, 2004).

- 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 AIDS/HIV in school compared to 88% of high school students nationwide.

Title V Abstinence-Only-Until-Marriage Funding

New York received \$3,377,584 in federal Title V funds 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. New York matches the federal funds with \$2.6 million of state funds.

The majority of this funding is distributed to 33 individual contractors. These programs began in 1998 and are all fully implemented. Some of the funding supports a statewide media campaign which is designed to supplement the local contractors.

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

There are five SPRANS—CBAE grantees in New York: Catholic Charities of Buffalo/ Monsignor Carr Institute, Catholic Charities of Syracuse/Neighborhood Center, Greenburgh Graham Union Free School District, Catholic Charities of Southern Tier, and Hope Initiative CDC. There are five AFLA grantees in New York: Be'er Haolah Institutes; Builders for the Families and Youth of the Diocese; Educators for Children, Youth, and Families; St Luke's Roosevelt Institute for Health Sciences; and Catholic Charities of the Roman Catholic Diocese.

The Catholic Charities of Buffalo/ Monsignor Carr Institute runs *ProjecTruth*, a curriculum funded by its SPRANS—CBAE 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.”

The curriculum 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.” *Game Plan* was developed by Project Reality in conjunction with former basketball player A.C. Green. The curriculum does not provide resources for teens that are sexually active nor does it discuss contraceptives. SIECUS’ review of this curriculum found that it is fear-based and shame-based, presents inaccurate information about sexually transmitted diseases and condoms, and assumes that all students in the class are heterosexual.

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2003⁵

Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)
New York Department of Health www.health.state.ny.us	\$3,377,584 federal/ \$2,600,000 state	Title V
Addison Central School District		Title V sub-grantee
Adolescent & Family Comprehensive Services		Title V sub-grantee
Archdiocese of New York		Title V sub-grantee
Builders of Family and Youth		Title V sub-grantee
Caribbean Women’s Health Association		Title V sub-grantee

⁵ SIECUS was not able to obtain exact funding information for all grantees.

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Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS–CBAE, Title V, and AFLA)
Catholic Charities of Western New York/ Monsignor Carr Institute DUAL GRANTEE 2001-2004 www.ccwny.org	\$800,000	Title V sub-grantee SPRANS–CBAE (Implementation Grant)
Catholic Charities/ Finger Lake		Title V sub-grantee
Catholic Charities/ Ogdensburg		Title V sub-grantee
Catholic Charities/ Oswego		Title V sub-grantee
Catholic Charities/ Rockville		Title V sub-grantee
Catholic Charities/ Syracuse (Neighborhood Centers) TRIPLE GRANTEE 2001-2004 TRIPLE GRANTEE 2002 – unknown	\$442,086 \$225,000	Title V sub-grantee SPRANS–CBAE (Implementation Grant) AFLA
Catholic Family Center		Title V sub-grantee
Cayuga County Health Department		Title V sub-grantee
Chatauqua County Youth Bureau		Title V sub-grantee
Chemung County YMCA		Title V sub-grantee
Church Avenue Merchants Block Association www.camba.org		Title V sub-grantee

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Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS-CBAE, Title V, and AFLA)
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
Greenburgh Graham Union Free School District DUAL GRANTEE 2001-2004	\$800,000	Title V sub-grantee 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 www.inwoodhouse.com		Title V sub-grantee
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

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Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS-CBAE, Title V, and AFLA)
Syracuse Model Neighborhood Facility		Title V sub-grantee
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)
Be'er Haolah Institutes 2002 – unknown www.just-tzedakah.org	\$225,000	AFLA
Builders for the Family and Youth of the Diocese 2002 – unknown	\$225,000	AFLA
Educators for Children, Youth, & Families 2002-unknown	\$225,000	AFLA
St Luke's Roosevelt Institute for Health Sciences 2002– unknown	\$225,000	AFLA

Title V Abstinence-Only-Until-Marriage Coordinator

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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) 847-241
www.aidscommunityservices.com

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

Family Planning Advocates
of New York State
17 Elk St.
Albany, NY 12207
Phone: (518) 436-8408
www.fpaofnys.org

Gay Men's Health Crisis
The Tisch Building
119 W. 24th St.
New York, NY 10011
Phone: (212) 807-6655
www.gmhc.org

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

Planned Parenthood of New York City
26 Bleecker St.
New York, NY 10012
Phone: (212) 274-7200
www.ppnyc.org

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

New York Organizations that Oppose Comprehensive Sexuality Education

Conservative Party of New York
486 78th St.
Brooklyn, NY 11209
Phone: (718) 921-5268

New York Family Policy Council
3 E-Comm Square
Albany, NY 12207
Phone: (518) 432-8756
www.nyfpc.org

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New York State Right to Life Committee
41 State St.
Albany, NY 12207
Phone: (518) 434-1293

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
Lisa Muehlbauer
Medical/Health Editor
1 News Plz
Buffalo, NY 14203
Phone: (716) 849-4467

Daily News
Michael Segell
Medical/Health Editor
450 W. 33rd St.
New York, NY 10001
Phone: (212) 210-2281

New York Post
Faye Penn
Medical/Health Editor
1211 Avenue Of The Americas
New York, NY 10036
Phone: (212) 930-8650

The New York Times
Joseph Berger
Social Issues Senior Reporter
229 W. 43rd St.
New York, NY 10036
Phone: (212) 556-4492

The New York Times
David Shipley
Opinion Page Editor
229 W. 43rd St.
New York, NY 10036
Phone: (212) 556-7735

The Wall Street Journal
Elyse Tanouye
Medical/Health Editor
200 Liberty St.
New York, NY 10281
Phone: (212) 416-2110

The Village Voice
Sharon Lerner
Medical/Health Staff Writer
36 Cooper Sq.
New York, NY 10003
Phone: (212) 475-3300