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New York received \$10,648,287 in federal funds for abstinence-only-until-marriage programs in Fiscal Year 2005.¹

New York Sexuality Education Law and Policy

Health education is required for all students in kindergarten through twelfth grade in New York. 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.” This instruction must be age-appropriate and consistent with community values and “shall stress abstinence as the most appropriate and effective premarital protection against AIDS.”

Each local school board must establish an advisory council to make recommendations on HIV/AIDS instruction. The state does not require or suggest a specific curriculum, but does have the *Learning Standards for Health, Physical Education, and Family and Consumer Sciences*, which provides a curriculum framework. The framework does not specifically mention sexuality education though certain areas of sexuality education are implied.

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

See New York Commissioner’s Regulations 135.3 and *Learning Standards for Health, Physical Education, and Family and Consumer Sciences*.

Recent Legislation

Healthy Teens Act Introduced

Assembly Bill 6619B and Senate Bill 5121, introduced in March and April 2005 respectively and referred to their own Committees on Health, 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 requirements that they be medically accurate and provide information on contraceptives.

AB 6619B passed the House but there was no action in the Senate. The House must pass it again during the 2006 session.

Events of Note

New York Still Requires EC Prescription

August 2005; NY

New York Governor George Pataki (R) vetoed a law in early August 2005 that would have made emergency contraception (EC) available without a prescription in pharmacies across the Empire State. The bill—approved by the State Assembly in January and by the State Senate in June—would have allowed pharmacists and nurses to dispense EC without a physician’s prescription using blanket prescriptions (ones that do not name a specific patient) issued by physicians, certified nurse midwives, or certified nurse practitioners.

Governor Pataki explained that his primary concerns with the bill were that there were no age restrictions limiting the access of EC for women under the age of 16 and no limit to the number of doses that could be purchased at one time. The Governor also cited the pending federal FDA ruling on the matter. In a clear indication that the Governor sought any excuse imaginable to veto the legislation, he even argued that the bill would allow men to purchase emergency contraception in an effort to persuade young women to engage in intercourse. Pataki suggested that he is open to approving a revised bill that includes an age restriction and patient counseling requirements.

Supporters of the bill believe that Governor Pataki is using the veto to appeal to conservative voters because he plans to seek the 2008 Republican presidential nomination. “The Governor’s failure to enact the Unintended Pregnancy Prevention Act is a tragedy for the women of New York State,” said JoAnn M. Smith, president and CEO of Family Planning Advocates of New York State. “Emergency contraception can prevent unintended pregnancy, but it is only effective if taken in a timely manner.”

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. Initially, 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.² “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.”³ 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 asked 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."⁴ 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."⁵

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.⁶ 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.⁷

In February 2004, the city settled the federal lawsuit. As part of the settlement, the school revised a policy regarding medical tests for students and created new guidelines that explain 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.

New York's Youth: Statistical Information of Note⁸

- In 2005, 39% of female high school students and 45% of male high school students in New York reported ever having had sexual intercourse compared to 46% of female high school students and 48% of male high school students nationwide.
- In 2005, 3% of female high school students and 9% 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 9% of male high school students nationwide.
- In 2005, 9% of female high school students and 16% of male high school students in New York 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, 29% of female high school students and 29% 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 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, 66% of females and 76% of males in New York 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, 14% of females and 13% of males in New York 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, 15% of females and 23% of males in New York 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, 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.⁹
- 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.¹⁰

New York, New York

- In 2005, 43% of female high school students and 52% of male high school students in New York City 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 New York City 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, 12% of female high school students and 24% of male high school students in New York City 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, 30% of female high school students and 30% 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 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, 63% of females and 77% of males in New York City 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, 6% of females and 9% 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 15% of males nationwide.
- In 2005, among those high school students who reported being currently sexually active, 11% of females and 22% of males in New York City 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, 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 \$3,676,827 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. New York matches federal funding with \$2,600,000 of state funds.

The majority of this funding is distributed to 33 sub-grantees. Eight out of 33 sub-grantees are Catholic organizations. For information on some of these sub-grantees, please see the Community-Based Abstinence Education (CBAE) section. Some of the remaining funding supports a statewide media campaign, which is designed to supplement the local grants.

Community-Based Abstinence Education (CBAE)¹¹ and Adolescent Family Life Act (AFLA) Grantees

There are ten CBAE grantees in New York State: Adolescent and Family Comprehensive Services; Be'er Haolah Institutes; Boys and Girls Club of Buffalo; Builders for Youth and Family; Catholic Charities of Buffalo/ProjecTruth; Catholic Charities of Chemug and Schuyler; Catholic Charities of Southern Tier/Schuyler Office; Hope Initiative CDC; Jewish Child Care Association; and Program REACH.

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.

Catholic Charities of Buffalo/Monsignor Carr Institute runs *ProjecTruth*, a curriculum funded by its 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."

ProjecTruth consists of a character component and an abstinence component. The character component, titled *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 the *A.C. Green’s Game Plan*, a widely used curriculum 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 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.”¹²

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

SIECUS reviewed two of the curricula produced by Choosing the Best, Inc.—*Choosing the Best LIFE* (for high school students) and *Choosing the Best Path* (for middle school students). These reviews found that the curricula name numerous negative consequences of premarital sexual activity and suggest that teens should feel guilty, embarrassed, and ashamed of sexual behavior. For example, *Choosing the Best LIFE* states that, “relationships often lower the self-respect of both partners—one feeling used, the other feeling like the user. Emotional pain can cause a downward spiral leading to intense feelings of lack of worthlessness.” *Choosing the Best PATH* says, “sexual activity also can lead to the trashing of a person’s reputation, resulting in the loss of friends.”¹³

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in FY 2005¹⁴

Abstinence-Only-Until-Marriage Grantee	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
Length of Grant		
New York Department of Health www.health.state.ny.us/	\$3,676,827 federal \$2,600,000 state	Title V
Addison Central School District		Title V sub-grantee
Adolescent & Family Comprehensive Services		Title V sub-grantee
DUAL GRANTEE 2005–2008	\$486,093	CBAE

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Abstinence-Only-Until-Marriage Grantee	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
Length of Grant		
Archdiocese of New York		Title V sub-grantee
Builders for Youth and Family, Diocese of Brooklyn		Title V sub-grantee
TRIPLE GRANTEE 2005–2008	\$644,201	CBAE
TRIPLE GRANTEE 2005–2006	\$225,000	AFLA
Caribbean Women’s Health Association		Title V sub-grantee
Catholic Charities of Western New York/ Monsignor Carr Institute www.ccwny.org		Title V sub-grantee
Catholic Charities/ Finger Lake		Title V sub-grantee
Catholic Charities/ Ogdensburg www.cathcharities.org		Title V sub-grantee
Catholic Charities/ Oswego		Title V sub-grantee
Catholic Charities/ Rockville www.catholiccharities.cc		Title V sub-grantee
Catholic Charities/ Syracuse (Neighborhood Centers) DUAL GRANTEE 2005–2006 www.ccoc.us	\$225,000	Title V sub-grantee AFLA

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Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
Catholic Family Center		Title V sub-grantee
Cayuga County Health Department www.co.cayuga.ny.us/ healthdept/health.html		Title V sub-grantee
Chatauqua County Youth Bureau www.co.chautauqua.ny.us/ youth/youthframe.htm		Title V sub-grantee
Chemung County YMCA www.chemungymca.org		Title V sub-grantee
Church Avenue Merchants Block Association www.camba.org		Title V sub-grantee
Community of Maternity Services www.albany.edu/cpsp/sites/c/c38. html		Title V sub-grantee
Council of Community Services www.ccsnys.org		Title V sub-grantee
Delaware Chenango Madison Otsego BOCES www.dcmoboces.com		Title V sub-grantee
Harlem Hospital www.harleminternalmedicine.org		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)
Hudson City School District		Title V sub-grantee
Hudson River Health Center www.hrhcare.org		Title V sub-grantee
Inwood House www.inwoodhouse.com		Title V sub-grantee
King Urban Life Center www.kingurbanlifecenter.org		Title V sub-grantee
Monroe County Health Department www.monroecounty.gov		Title V sub-grantee
Mothers & Babies of South Central New York www.mothersandbabies.org		Title V sub-grantee
Niagara Falls Memorial Hospital www.nfmhc.org		Title V sub-grantee
North Shore/ Long Island Jewish Health System www.northshorelij.com		Title V sub-grantee
Orange County Health Department www.co.orange.ny.us		Title V sub-grantee
Pioneer Central School District www.pioneer.wnyric.org		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)
Suffolk Network on Adolescent Pregnancy www.snapinc.org		Title V sub-grantee
Syracuse Model Neighborhood Facility www.swccsyr.org		Title V sub-grantee
Be'er Haolah Institutes 2005–2008 DUAL GRANTEE 2005–2006 www.just-tzedakah.org	\$291,102 \$225,000	CBAE AFLA
Boys and Girls Club of Buffalo 2005–2008	\$750,500	CBAE
Catholic Charities of Buffalo/ ProjecTruth 2004–2007	\$800,000	CBAE
Catholic Charities of Chemug and Schuyler 2005–2008	\$399,551	CBAE
Catholic Charities of Southern Tier/ Schuyler Office 2002–2005	\$280,000	CBAE
H.O.P.E Initiative CDC 2002–2005	\$302,554	CBAE
Jewish Child Care Association	\$797,010	CBAE

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Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes Title V, CBAE, and AFLA)
2004–2007		
Program Reach 2005–2008	\$795,449	CBAE
Educators for Children, Youth, & Family 2005-2006	\$225,000	AFLA
Our Lady of Lourdes Memorial Hospital 2005–2006 www.lourdes.com	\$300,000	AFLA
St. Luke’s Roosevelt Hospital 2005–2006	\$225,000	AFLA

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Empire State Pride Agenda
One Commerce Plaza
99 Washington Ave. Ste 805
Albany, NY 12260
Phone: (518) 472-3330
www.prideagenda.org

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

National Education Association
of New York
217 Lark Street
Albany, NY 12210
Phone: (518) 462-6451
www.neany.org

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

New York Civil Liberties Union
125 Broad St.
New York, NY 10004
Phone: (212) 344-3005
www.nyclu.org

New York State United Teachers
800 Troy-Schenectady Rd.
Latham, NY 12110
Phone: (518) 213-6000
www.nysut.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) 921-2158
www.cpnys.org

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

New York State Catholic Conference
465 State St.
Albany, NY 12203
Phone: (518) 434-6195
www.nyscatholicconference.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

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Staten Island Advance
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The Village Voice
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Phone: (212) 475-3300

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

¹This 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.

²K. Matthews, "Lawsuit: New York Middle School Forced Pregnancy, STD Tests on Eighth-Graders," *NapaNews.com* (CA), 9 July 2003.

³Ibid.

⁴S. Saulny and A. Goodnough, "Suit Says School Ordered Girls Tested for Diseases After Party," *The New York Times*, 9 July 2003.

⁵Matthews.

⁶Saulny and Goodnough.

⁷Ibid.

⁸Unless 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>>. Information on New York does not include New York City; information on New York City is listed separately.

⁹*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>.

¹⁰*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>>.

¹¹In 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).

¹²Scott 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>.

¹³Bruce Cook, *Choosing the Best LIFE* (Marietta, GA: Choosing the Best Inc., 2000); Bruce Cook, *Choosing the Best PATH* (Marietta, GA: Choosing the Best Inc., 2000). For more information, see SIECUS' reviews of *Choosing the Best LIFE* and *Choosing the Best PATH* at <http://www.communityactionkit.org/curricula_reviews.html>.

¹⁴SIECUS was unable to obtain exact funding amounts for all sub-grantees.