



VIRGINIA

Virginia received \$1,210,360 in federal funding for abstinence-only-until-marriage programs in Fiscal Year 2004.¹

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 [STDs] 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. It must also “place special emphasis on the thorough evaluation of materials related to controversial or sensitive topics such as sex education, moral education, and religion.”

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

SIECUS is not aware of any recent legislation related to sexuality education in Virginia.

Events of Note

State Delegate Wants to End Emergency Contraception Availability at Virginia Universities February 2004

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 10 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."² 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.

Marshall said that the availability of emergency contraception pills at state colleges and universities would turn young women into "chemical Love Canals for frat house playboys."³

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.

*Virginia University Students Fight Back Against Emergency Contraception Ban
February 2004; 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."⁴ 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 and on TV
September 2003*

Virginia State Delegate Robert G. Marshall (R) 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.”⁵ The university president defended the event, saying that it was intended to teach students about safer sex.

In addition, in September 2003, Marshall denounced Virginia Tech TV for putting on a show for students entitled “Sex Talk Live.” The show was taped at the student union in front of 450 students and offered sexual counseling and games. “This is not education; it’s titillation,” he said.⁶ Virginia Tech TV is an independent company run by students. A student co-host of the show defended the program: “we wanted to give students a chance to talk about sex, public health and sexually transmitted diseases.... I think the show definitely achieved its purpose. Everyone enjoyed themselves while still getting a lot of information about sex.”⁷

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

Fairfax County has cancelled 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 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’s 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.”⁸

Parents’ Concerns Lead to Revised Sexuality Education Program
April 2003; Gloucester, VA

In August 2003, the Gloucester School Board unanimously approved a more conservative sexuality education program in response to complaints the school had received from parents.

In the Spring of that year, a parent spoke to the school board and expressed concern that some information discussed in the classroom had not been presented for parental approval prior to the class. She said that the material was too explicit and was taught to children who were too young. She was also concerned with the use of question boxes in the classroom.

In response to her complaints, the question boxes were removed from the classrooms while the matter was studied. In addition, the assistant superintendent for instruction expanded the school’s Advisory Committee to review the sexuality education program. The revised committee included parents, clergy, medical and social services workers, teachers, administrators, a board member, and a student.

The school board adopted the revised program in August. The new program will separate boys and girls for discussions in fourth through eighth grades. It will also postpone certain discussions for a year or two. Students will no longer be able to ask any question as they could with the question boxes; instead, they will only be able to hand in questions that pertain to that day’s lessons.⁹

*Despite Criticism, Book Remains on Library Shelves**March 2003; Fairfax, VA*

In mid-March, the Fairfax County School Board voted seven to one 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.”¹⁰

*Fairfax County Considers Adding "Sexual Orientation" to Its Nondiscrimination Code**March 2003; 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.

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.”¹¹

The group also helped orchestrate a rally before a school board meeting. The school board postponed the decision in order to check with the state attorney general’s office about the legal issues involved. In November 2002, the state Attorney General advised the school board that it could not adopt a nondiscrimination policy unless the General Assembly changed state law.¹²

*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 abandoned the baby. This was the second case of abandonment by a teen mother in the county in two months. As a result, the community engaged in debate over the most effective means of preventing such occurrences.

While many advocated for increased sexuality education, access to birth control, and information about adoption and abortion, others advocated stressing abstinence and “stronger rule-setting” by parents. Students 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.”^{13,14}

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.¹⁵
- In 2003, Virginia's abortion rate was 9 per 1,000 women ages 15-17.¹⁶
- In 2003, Virginia's abortion rate was 29 per 1,000 women ages 18-19.¹⁷
- In 2002, Virginia's birth rate was 38 per 1,000 women ages 15-19 compared to a teen birth rate of 43 per 1,000 nationwide.¹⁸
- In 2003, teens ages 13-19 accounted for 3% of the 1,193 total cases of HIV reported in Virginia.¹⁹
- In 2003, teens ages 15-19 accounted for 28% of the 10,462 total cases of gonorrhea reported in Virginia.²⁰
- In 2003, teens ages 15-19 accounted for 37% of the 19,439 total cases of Chlamydia reported in Virginia.²¹

Title V Abstinence-Only-Until-Marriage Funding

Virginia received \$841,329 in federal Title V funding in Fiscal Year 2004. 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 \$375,098 of state funds. This money is controlled by the Virginia Department of Health, Office of Family Health Services' Abstinence Education Initiative.

The Abstinence Education Initiative funds three programs that are being evaluated: Alliance for Families & Children (fiscal administrator for two programs) and Horizons Unlimited Ministries. Community-based abstinence promotion is funded in the Chesterfield Health District.

In addition to these programs, the initiative also has two other components: information dissemination and social marketing campaign. Approximately \$200,000 is allocated to developing and purchasing pamphlets, posters and videos that are distributed to schools, teen health facilities, and youth serving agencies. A state specific social marketing campaign is being developed targeting parents of youth ages 10-14 and approximately \$179,000 has been allocated for social marketing.

Special Projects of Regional and National Significance—Community Based Abstinence Education (SPRANS—CBAE)²² and Adolescent Family Life Act (AFLA) Grantees

There are no SPRANS—CBAE grantees in Virginia. There are two AFLA grantees in Virginia: the Boat People SOS and James Madison University.

James Madison University works in collaboration with the Central Shenandoah Valley Office on Youth to run the Central Shenandoah Valley Teen Pregnancy Prevention (CSVTPP). The program has two components: a media campaign and the "Vision of You"

program. This ten session school-based program targets middle and high school youth using *Game Plan* and *Navigator*. 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 “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.”²³

Federal and State Funding for Abstinence-Only-Until-Marriage Programs in 2004

Abstinence-Only-Until-Marriage Grantee Length of Grant	Amount of Grant	Type of Grant (includes SPRANS-CBAE, Title V, and AFLA)
Virginia Department of Health/ Virginia Abstinence Education Initiative www.vahealth.org/abstinence	\$841,329 federal \$375,098 state	Title V
Alliance for Families & Children <i>Individuals Abstaining 'Til Marriage</i>	\$289,000*	Title V sub-grantee
DUAL GRANTEE <i>Reasons of the Heart</i>	\$289,000*	Title V sub-grantee
American Institute of Research	\$179,350	Title V sub-grantee
Chesterfield Health Department	\$65,000	Title V sub-grantee
Horizons Unlimited Ministries	\$125,000	Title V sub-grantee
Virginia Commonwealth University	\$160,000	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)
The Boat People SOS 2004-2005	\$100,000	AFLA
James Madison University 2004-2005	\$269,031	AFLA

*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*.

Title V Abstinence-Only-Until-Marriage Coordinator

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Richmond, VA 23218

Virginia Organizations that Support Comprehensive Sexuality Education

Equality Virginia
6 N. 6 St., Suite 401
Richmond, VA 23219
Phone: (804) 643-4816
www.equalityvirginia.org

Planned Parenthood Advocates of Virginia
PO Box 1046
Charlottesville, VA 22902
Phone: (434) 971-5700
www.ppav.org

Virginia Organizations that Oppose Comprehensive Sexuality Education

American Life League
PO Box 1350
Stafford, VA 22555
Phone: (540) 659- 4171
www.all.org

The Family Foundation
830 E. Main St.
One Capital Sq., Suite 1201
Richmond, VA 23219
Phone: (804) 343-0010
www.familyfoundation.org

Newspapers in Virginia

Daily Press

Alison Freehling
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PO Box 746
Newport News, VA 23607
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The Free Lance-Star

Jim Hall
Medical/Health Reporter
616 Amelia St.
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The Journal Newspapers

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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 2004 begins on October 1, 2003 and ends on September 30, 2004.

² B. Lewis, "Colleges Don't Break Informed Consent Law With 'Morning-After' Pills," *Associated Press*, 9 May 2003.

³ Katha Pollitt, "Toothpaste, Cough Drops, Aspirin, Contraception," *The Nation*, 15 March 2004,

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

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

⁶ Rex Bowman, "Marshall Again Irate; Now, VA Tech Student TV Show Gets His Attention," *Richmond Times Dispatch* (VA), 30 September 2003, B-1.

⁷ Ibid.

⁸ J. Ward, "Fairfax Pulls the Plug on Sex Survey," *The Washington Times*, April 24, 2003.

⁹ Tina McCloud, "School Board OKs Changes to Sex Education," *Daily Press* (VA), 14 August 2003, C1.

¹⁰ "School Board Vote on *Witch Baby*," *PABBIS News*, 14 March 2003, accessed 22 February 2005, <<http://www.pabbis.com/news.htm>>.

¹¹ P. LaBarbera, "15 Good Reasons to Oppose 'Sexual Orientation' (Homosexuality) Codes in Schools," Culture and Family Institute, Concerned Women for America, 19 July 2002, accessed 2 November 2002, <www.cultureandfamily.org/library/papers/23tp007.html>.

¹² "Getting in Step With Himself As a Gay Teen," *Washington Post*, 13 March 2003, T20.

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- ¹³ E. Simpson, “Agencies See Baby’s Death as a Chance to Reach Out,” *The Virginian-Pilot*, 22 March 2002.
- ¹⁴ S. White, “Sex Education Still Looks Difficult for Schools,” *The Virginian-Pilot*, 20 March 2002.
- ¹⁵ *U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by-State Information* (New York: Alan Guttmacher Institute, February, 2004), accessed 28 January 2005, <www.guttmacher.org>.
- ¹⁶ *Health Statistics/Statistical Reports and Table: Teenage Pregnancies 2003s*, Virginia Department of Health (5 January 2005), accessed 7 February 2005, <<http://www.vdh.state.va.us/HealthStats/stats.asp>>.
- ¹⁷ Ibid.
- ¹⁸ *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>>.
- ¹⁹ *Division of HIV, STD, and Pharmacy Services Surveillance Quarterly* (Richmond, VA: Virginia Department of Health, March 2004), 6, accessed 7 February 2005, <http://www.vdh.state.va.us/std/Qtr1_04.pdf>.
- ²⁰ Ibid, 23.
- ²¹ Ibid, 29.
- ²² In FY 2004 SPRANS–CBAE was administered within the U.S. Department of Health and Human Services (HHS) by the Maternal and Child Health Bureau. In FY 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).
- ²³ Scott Phelps and Libby Gray, *A.C. Green’s Game Plan* (Golf, IL: Project Reality, 2001), 45.