



# Abstinence-Only Education

## What is abstinence-only education?

The sole purpose of abstinence-only education (AO) is to promote abstinence from sex until marriage.

## Federal Sources of Abstinence-Only Education Funding

Between 1996 and 2007, Congress funneled over 1.7 billion state and federal dollars to abstinence-only programs.<sup>1</sup>

- Title V of Personal Responsibility & Work Opportunity Reconciliation Act (PRWORA)—In 1996, Congress allocated \$50 million per year in federal funds for abstinence education as part of “welfare reform” legislation.<sup>2</sup> To receive Title V funding, states must match every four federal dollars with three state-raised dollars and use the money to emphasize that “a mutually faithful monogamous relationship in the context of marriage is the expected standard of all human sexual activity” and that “sexual activity outside the context of marriage is likely to have harmful psychological and physical effects.”<sup>3</sup> As of June 2008, 16 states have rejected Title V funding, a growing trend.<sup>4</sup>
- Community Based Abstinence Education (CBAE)—Through the Administration on Children and Families, the federal government awards grants directly to state and local organizations. Like Title V programs, CBAE-funded programs must emphasize that “a mutually faithful monogamous relationship in the context of marriage is the expected standard of all human sexual activity” and that “sexual activity outside the context of marriage is likely to have harmful psychological and physical effects.”<sup>5</sup> In 2007, such programs received over one hundred million dollars in federal funding.<sup>6</sup>
- Adolescent Family Life Act (AFLA)—Conservative lawmakers enacted AFLA to encourage “chastity” and “self-discipline” among U.S. teenagers. Under AFLA, the Department of Health and Human Services grants over thirteen million dollars per year to abstinence-only education programs.<sup>7</sup> Since 1997, DHHS has required AFLA programs to comply with Title V’s eight-element definition of “abstinence education.”<sup>8</sup>
- Other Sources—Additional funding goes to abstinence-only education under the guise of STD/AIDS prevention or through earmarks for state abstinence-only programs.<sup>9</sup>
- President’s Emergency Plan for AIDS Relief (PEPFAR)—President Bush committed \$15 billion to the global fight against AIDS and HIV between 2003 and 2008. As of July 2008, PEPFAR requires a report to Congress if countries most affected by the AIDS

<sup>1</sup> No More Money for Abstinence-Only-Until-Marriage Education, Brief History of Abstinence-Only-Until-Marriage Education, <http://www.nonewmoney.org/historyChart.html> (last visited Aug. 18, 2008).

<sup>2</sup> Personal Responsibility & Work Opportunity Reconciliation Act, Pub. L. No. 104-193, 110 Stat. 2353 (West, Westlaw through 2008 Sess.).

<sup>3</sup> Maternal & Child Health Services Block Grant, 42 U.S.C. § 710(b)(2) (West, Westlaw through 2008 Sess.).

<sup>4</sup> Iowa to Reject Federal Abstinence-Only Funds, FEMINIST DAILY NEWS WIRE, February 29, 2008, <http://feminist.org/news/newsbyte/uswirestory.asp?id=10850>.

<sup>5</sup> Administration for Children and Families, Family and Youth Services Bureau, Abstinence Division, <http://www.acf.hhs.gov/programs/fysb/content/abstinence/community.htm> (last visited Aug. 18, 2008).

<sup>6</sup> No More Money for Abstinence-Only-Until-Marriage Education, *supra* note 1.

<sup>7</sup> Naomi R. Shatz, Unconstitutional Entanglements: the Religious Right, the Federal Government, and Abstinence Education in the Schools, 19 YALE J.L. & FEMINISM, 495, 511 (2008) (outlining AFLA’s origin and application).

<sup>8</sup> SIECUS, Federal Abstinence Only Until Marriage Funding, <http://www.siecus.org/index.cfm?fuseaction=page.viewPage&PageID=670> (last visited Aug. 18, 2008).

<sup>9</sup> *Id.*



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pandemic spend less than half of HIV/AIDS prevention funding on abstinence-only campaigns.<sup>10</sup> This relaxes the previous requirement that one-third of funding go to AO.

### What are the effects of abstinence-only education and comprehensive sexuality education?

- No conclusive evidence exists to indicate that teens who participate in abstinence-only programs abstain from intercourse longer than others.<sup>11</sup>
- In a study commissioned by Congress, Mathematica Policy Research, Inc. found that AO education does not decrease the likelihood that teenagers will have sex. Nor does it increase the chances of sexually active teens using condoms.<sup>12</sup>
- A 2004 Congressional review of three widely used curricula found pervasive factual inaccuracies surrounding condom use, false information about the risks of abortion, blurring of religion and science, and gender stereotypes treated as scientific fact.<sup>13</sup> In 2006, the U.S. Government Accountability Office issued a statement to the DHHS that federally funded AO programs must provide medically accurate information about condom effectiveness.<sup>14</sup>
- 88% of teens who take a pledge of abstinence from sex before marriage break that pledge.<sup>15</sup>
- SIECUS found that students who pledge abstinence are six times more likely to have oral sex and four times more likely to have anal sex than their non-pledging peers. These at-risk teens are also one third less likely to use contraceptives if they do become sexually active.<sup>16</sup>
- 63% of U.S. high school seniors have had sexual intercourse.<sup>17</sup> A third have had no formal education on contraceptives. Among young people of color, only a third have had the benefit of such education.<sup>18</sup> The following figures show some consequences of this information gap.
  - Each year, approximately 9.1 million fifteen- to twenty-four-year-olds are infected with sexually transmitted diseases (STDs), accounting for almost one-half of the total new STDs occurring annually in the U.S.<sup>19</sup> The Centers for Disease Control & Prevention estimate that one-half of all new HIV infections occur among people under age twenty-five, with the majority contracted through sexual intercourse.<sup>20</sup>

<sup>10</sup> The Henry J. Kaiser Family Foundation, Politics and Policy: President Bush Says He Will Sign PEPFAR Reauthorization Bill, KAISER DAILY HIV/AIDS REPORT, July 28, 2008, [http://www.kaisernetwork.org/daily\\_reports/rep\\_index.cfm?DR\\_ID=53527](http://www.kaisernetwork.org/daily_reports/rep_index.cfm?DR_ID=53527).

<sup>11</sup> No More Money for Abstinence-Only-Before-Marriage Education, Harmful Consequences, <http://www.nomoremoney.org/harmful.html> (last visited Aug. 18, 2008).

<sup>12</sup> CHRISTOPHER TRENHAM ET AL, MATHEMATICA POLICY RESEARCH INC., IMPACTS OF FOUR TITLE V, SECTION 510 ABSTINENCE EDUCATION PROGRAMS, <http://www.mathematica-mpr.com/publications/pdfs/impactabstinence.pdf> (last visited Aug. 18, 2008).

<sup>13</sup> MINORITY STAFF, SPECIAL INVESTIGATIONS DIV., U.S. HOUSE OF REPRESENTATIVES, THE CONTENT OF FEDERALLY FUNDED ABSTINENCE-ONLY EDUCATION PROGRAMS, available at <http://oversight.house.gov/documents/20041201102153-50247.pdf> (last visited Aug. 18, 2008).

<sup>14</sup> Press Release, ACLU, ACLU Applauds GAO Letter in Support of Medically Accurate Sex Education for Teens (2006), <http://www.aclu.org/reproductiverights/sexed/27146prs20061019.html>.

<sup>15</sup> Associated Press, Study: Abstinence Pledges May Trigger Risky Sexual Behavior, USA TODAY, Mar. 18, 2005, available at [http://www.usatoday.com/news/health/2005-03-18-sex-study\\_x.htm](http://www.usatoday.com/news/health/2005-03-18-sex-study_x.htm).

<sup>16</sup> No More Money, supra note 10.

<sup>17</sup> SIECUS, Questions and Answers: Adolescent Sexuality, <http://www.siecus.org/index.cfm?fuseaction=page.viewpage&pageid=627> (last visited Aug. 18, 2008).

<sup>18</sup> Rebecca Wind, Guttmacher Institute, One in Three Teens Get No Formal Education About Birth Control (2006), <http://www.guttmacher.org/media/nr/2006/11/28/index.html>.

<sup>19</sup> Hillard Weinstock et. al., Sexually Transmitted Diseases Among American Youth: Incidence and Prevalence Estimates, 2000, 36 PERSPECTIVES ON SEXUAL AND REPROD. HEALTH (Jan./Feb. 2004), available at <http://www.guttmacher.org/pubs/psrh/full/3600604.pdf>.

<sup>20</sup> Id.; see also Centers for Disease Control & Prevention, HIV Prevention Strategic Plan Through 2005 18 (2001), available at [http://www.aegis.org/files/cdc/plans/Sep2000\\_draft\\_plan.pdf](http://www.aegis.org/files/cdc/plans/Sep2000_draft_plan.pdf).



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- About 822,000 pregnancies occurred among U.S. women ages fifteen to nineteen in 2000.<sup>21</sup> Among developed countries, only Russia has higher teen pregnancy rates.<sup>22</sup>
- Many AO programs use federal money to advance religious doctrines, violating the First Amendment's guarantee of the separation between church and state.
  - In 1988, the Supreme Court ruled that because AFLA does not have a "primary effect of advancing religion," it does not violate the First Amendment on its face.<sup>23</sup>
  - However, some AO programs have lost funding in application because they failed to separate inherently religious activities from federally-funded activities in time or location. The ACLU successfully challenged federal funding of The Silver Ring Thing by showing that members gave Christian testimony, quoted Bible passages, and urged other members to invite Christ into their lives.<sup>24</sup> The program had previously received over one million federal dollars.<sup>25</sup>
- AO curricula perpetuate sexist, harmful gender stereotypes. AO programs often emphasize that girls dislike sex and charge them with helping curb boys' rampant sexual impulses.<sup>26</sup> One text instructs girls to "wear modest clothing that doesn't invite lustful thoughts."<sup>27</sup>
  - Most AO curricula do not adequately address rape, sexual assault, or coercion. Additionally, in teaching that girls have responsibility for controlling male sexual urges, they offer excuses for sexual violence and promote victim-blaming attitudes.<sup>28</sup>
  - AO texts commonly portray women as naturally submissive and sexually passive, which contributes to social stigma on female sexual agency. This increases the likelihood that girls will engage in risky sexual behavior such as unprotected sex.<sup>29</sup>
- Title V funding targets low-income populations, so AO programs have a disproportionate impact on young people of color. Similarly, low-income schools can rarely afford to refuse resources provided by AFLA or CBAE programs, increasing the odds that young people of color will receive inaccurate, incomplete information about sex, contraception, and STDs.<sup>30</sup>
- CBAE's guidelines, as rewritten in 2006, urge abstinent young people to avoid socializing with sexually active peers, devalue single motherhood, and discourage contraceptive use.<sup>31</sup>

### How do abstinence-only education programs affect LBGTQIQ youth?

Much of the abstinence-only curriculum marginalizes LBGTQIQ students by teaching that sexual activity does not belong outside the context of a marriage.

<sup>21</sup> Guttmacher Institute, U.S. Teenage Pregnancy Statistics: Overall Trends, Trends by Race and Ethnicity and State-by State Information (updated September 2006), <http://www.guttmacher.org/pubs/2006/09/12/USTPstats.pdf>.

<sup>22</sup> Jacqueline E. Darroch et al, Guttmacher Institute Occasional Report: Teenage Sexual and Reproductive Behavior in Developed Countries: Can More Progress Be Made? (2003), [http://www.guttmacher.org/pubs/eurosynth\\_rpt.pdf](http://www.guttmacher.org/pubs/eurosynth_rpt.pdf).

<sup>23</sup> *Bowen v. Kendrick*, 487 U.S. 589, 589 (1988).

<sup>24</sup> Press Release, ACLU, ACLU Announces Settlement in Challenge to Government-Funded Religion in the Abstinence-Only-Until-Marriage Program the "Silver Ring Thing," Feb. 23, 2006, <http://www.aclu.org/reproductiverights/sexed/24246prs20060223.html>.

<sup>25</sup> *Id.*

<sup>26</sup> Jessica Valenti, Abstinence Double Standard Threatens Girls' Health, ALTERNET, June 26, 2006, <http://www.alternet.org/story/37956/>.

<sup>27</sup> Julie F. Kay for Legal Momentum, Sex, Lies and Stereotypes: How Abstinence-Only Education Harms Women & Girls (2008), at 20, available at [http://www.legalmomentum.org/site/DocServer/SexLies\\_Stereotypes2008.pdf](http://www.legalmomentum.org/site/DocServer/SexLies_Stereotypes2008.pdf).

<sup>28</sup> *Id.* at 20.

<sup>29</sup> *Id.* at 21.

<sup>30</sup> Risha K. Foulkes, Abstinence-Only Education and Minority Teenagers: The Importance of Race in a Question of Constitutionality, 10 BERKELEY J. AFR.-AM. L. & POL'Y 3, 11 (2008).

<sup>31</sup> SIECUS Public Policy Office Special Report, It Gets Worse: A Revamped Federal Abstinence-Only Program Goes Extreme, p. 6, [http://www.siecus.org/\\_data/global/images/Revamped\\_Abstinence-Only\\_Goes\\_Extreme.pdf](http://www.siecus.org/_data/global/images/Revamped_Abstinence-Only_Goes_Extreme.pdf) (last visited Aug. 18, 2008).



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- Since same-sex couples are prohibited from marrying in 48 states, this curriculum denies the legitimacy of LGBTQIQ sexuality.
- AO curricula fail to provide information to students about how to protect themselves in same-sex sexual relationships, putting LGBTQIQ youth at heightened risk for STDs and AIDS.
- The 2006 rewrite of CBAE's guidelines requires that programs define marriage "only as a legal union between a man and a woman as a husband and wife."<sup>32</sup>

### What do Americans support?

The vast majority of Americans support comprehensive, age-appropriate, medically accurate sex and sexuality education.

- Most parents of junior high school and high school students (93% and 91%, respectively) say that sex education is a "very" or "somewhat" important part of a school's curriculum.<sup>33</sup>
- Most parents of junior high school and high school students (85%) believe use of and access to contraceptives are appropriate topics for sexuality education programs in schools.<sup>34</sup>
- 72% of junior high school students' parents and 65% of high school students' parents want federal funding for "more comprehensive sex education programs that include information on how to obtain and use condoms and other contraceptives" instead of funding programs that teach "abstaining from sexual activity" as the only form of birth control.<sup>35</sup>
- The American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the American Medical Association all support teaching comprehensive sex education rather than abstinence-only education.<sup>36</sup>
- A number of major religious organizations also support comprehensive sexuality education. The Episcopal Church USA<sup>37</sup>, Presbyterian Church (USA), Unitarian Universalist Association, United Church of Christ, United Methodist Church, and Reform and Conservative Judaism have all passed resolutions in favor of comprehensive sexuality education in public schools.<sup>38</sup>
- In a national poll, the Religious Coalition for Reproductive Choice found that 73% of anti-choice voters, 73% of Catholics, 57% of Baptists, and 67% of Christian fundamentalists favored comprehensive sexuality education.<sup>39</sup>

<sup>32</sup> SIECUS Public Policy Office Special Report, *supra* note 31, at 7.

<sup>33</sup> Survey, *Sex Education in America: General Public/Parents*, National Public Radio/Kaiser Family Foundation/Kennedy School of Government, Harvard University (2004), available at <http://www.kff.org/newsmedia/upload/Sex-Education-in-America-General-Public-Parents-Survey-Toplines.pdf>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> National Coalition to Support Sexuality Education Members, <http://www.ncsse.org/organizations.html> (last visited Aug. 18, 2008).

<sup>37</sup> Matthew Davies, HIV/AIDS Awareness, Education Focus of Standing Committee, National Coalition Work, EPISCOPAL LIFE ONLINE, June 11, 2007, [http://www.episcopalchurch.org/79901\\_86725\\_ENG\\_HTM.htm](http://www.episcopalchurch.org/79901_86725_ENG_HTM.htm).

<sup>38</sup> Religious Coalition for Reproductive Choice, *Pro-Choice Americans Speak Out*, [http://www.rcrc.org/pdf/new\\_just\\_say\\_know.pdf](http://www.rcrc.org/pdf/new_just_say_know.pdf) (last visited Aug. 18, 2008).

<sup>39</sup> *Id.*