

Standards, Standoffs, and the Hidden Curriculum: A Summary Report on Sexuality Education Controversies, 2011-2012



Demonstrators in Salt Lake City, Utah, protest HB 363

Kurt Conklin, MPH, MCHES
Director of Programs

& Program Research Interns:
Shannon Ingram
Mary Walsh
Daniel Rubin-Marx
Daphna Brown



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Table of Contents

3	Introduction: The Future Is Now
5	Typical Targets: HIV and Planned Parenthood Pennsylvania / New York State
8	Instructors Under Fire New York City / Nevada
12	Dramas Offstage and On: Extracurricular Conflicts Connecticut / California / Texas
15	Books Panned and Banned New Jersey / Georgia / California / Minnesota
18	Cities on the Move New York City / District of Columbia
21	Access Denied: Information and Services Face Pushback Massachusetts / California / Texas / New York City
24	Setbacks, Gains, and Standoffs on Practice and Policy Washington State / Massachusetts / Wisconsin / Michigan / Utah / Texas / Illinois
33	Sexual Orientation & Gender Variance – Opposition Won’t Ask, Will Tell Chicago / Minnesota / Maryland / Michigan / Washington State / Wisconsin Seattle / Tennessee
42	All Things Are Possible Ohio
46	Conclusion: Back to the Future

Introduction: The Future is Now

The 2011-12 school year brought the typical array of controversies over sexuality education in U.S. public and private school classrooms, along with exciting news of new sexuality education standards with the potential to change the terms on which sexuality education is debated.

The year began under the cloud of political assaults on sexual rights, following lopsided 2010 opposition election victories. In statehouses across the nation, and in local school districts, opponents of comprehensive sexuality education organized to roll back earlier gains in policy, programming and access to educational resources.

Advocates for better sexuality education found themselves at a standoff with opponents in many states and localities, given the highly organized and well-financed Tea Party movement to undo years of progressive work on behalf of women, lesbian/gay/bisexual/transgender youth, and others whose sexual well-being has historically been ignored and underfunded. In places as diverse as Utah, Washington State, and Tennessee, the opposition loudly decried medically-accurate, inclusive sexuality education as the equivalent of alcohol abuse, rape, or ‘gateway drugs.’

A positive highlight for the year was the release, in January 2012, of the new *National Sexuality Education Standards: Core Content and Skills, K–12*.¹ SIECUS joined other leading health organizations to develop these first-ever national standards for sexuality education in schools. The standards were created to address a longstanding need for clear, consistent, and straightforward guidance on the *essential minimum, core content* for sexuality education that is developmentally and age-appropriate for students at each grade level.²

The standards were the result of a cooperative effort by the American Association for Health Education, the American School Health Association, the National Education Association Health Information Network, and the Society of State Leaders of Health and Physical Education, in coordination with the Future of Sex Education (FoSE) Initiative. Nearly 40 stakeholders including content experts, medical and public health professionals, teachers, sexuality educators, and young people developed the standards in a two-year process.

The standards created an opportunity for sexuality education stakeholders to think more broadly about the venues in which school-based instruction occurs. Popular perception about ‘sex

¹ Erik Robelin, “New National Standards Address Sexuality Education for All Grades,” *EducationWeek.com*, 9 January 2012, accessed 10 January 2012, <http://blogs.edweek.org/edweek/curriculum/2012/01/from_guest_blogger_nirvi_shah.html?cmp=ENL-EU-NEWS2>.

² *National Sexuality Education Standards*, Future of Sex Education web site, accessed 24 August 2012, <<http://www.futureofsexed.org/fosestandards.html>>.

education’ tends to place it firmly within the context of the high school or middle school health class – which in many states amounts to a half-year course in 9th grade, covering topics as diverse as bicycle safety, alcohol and other drug abuse prevention, nutrition, and, of course prevention of sexually transmitted disease (STD) and adolescent pregnancy. These narrow parameters fail to encompass the many school-based venues in which actual sexuality education occurs. The Future of Sex Education initiative noted that *formal* education about HIV, pregnancy, and STD prevention amounts to a median grand total of 17.2 hours over 12 years of instruction³ – a very small portion of the actual observation, discussion, and learning that children and teens experience around sexuality topics.

While the formal curriculum in schools may frame sexuality education as only a unit within health instruction (or within ‘family and consumer science’ instruction), it is within the *hidden* curriculum that sexuality education often resides. This ‘hidden curriculum’ was defined by educational sociologist Roland Meighan as early as 1981:

“The hidden curriculum is taught by the school, not by any teacher...something is coming across to the pupils which may never be spoken in the English lesson or prayed about in assembly. They are picking-up an approach to living and an attitude to learning.”⁴

The ‘hidden curriculum’ of sexuality education is the totality of all intended and unintended learning experiences (what is taught as well as what is observed by students). For this reason, SIECUS’ annual summary for 2011-12 covers several issues which at first glance may not appear to be “sex education” yet are part of young people’s total learning experiences about their sexuality. In addition to what is formally taught on sexual health topics, such experiences can encompass:

- Sexually-themed books available in school libraries
- Gardasil access and education
- Learning opportunities on college campuses
- School plays that explore sexual themes
- Standards of dress for teachers and students
- School newspapers
- School health surveys, and
- Out-of-school events and learning opportunities for school-age youth.

For two decades, SIECUS has tracked and analyzed thousands of sexuality education controversies, in both the formal and ‘hidden’ curricula of schools. By highlighting select

³ Centers for Disease Control and Prevention, National Center for Chronic Disease and Prevention, Division of Adolescent and School Health, SHPPS Topic and Component Specific Fact Sheets, accessed 17 August 2011, http://www.cdc.gov/HealthyYouth/shpps/2006/factsheets/topic_component.htm.

⁴ Roland Meighan, *A Sociology of Educating* (Eastbourne: Holt, Rinehart and Winston, 1981).

examples from states across the nation, our annual special report aims to illustrate and explain trends in sexuality education that SIECUS has monitored during the 2011-2012 school year.

Typical Targets: HIV and Planned Parenthood

Before the 2011-2012 school year was halfway through, two controversies stood as emblems of the classic sources of fear and misinformation fueling opposition to better sexuality education policies and practices. In one instance, the source of panic was a 13 year old boy living with HIV. In the other, Planned Parenthood was once again on trial for its role in a public school district. By the end of the school year, encouraging developments had beaten back the forces of ignorance and opposition.

News broke in December 2011 that officials of the Milton Hershey School in Derry Township, **Pennsylvania**, had denied admission to 13-year-old applicant because of his HIV-positive status. The school argued that it was unable to ensure that the applicant would not have unprotected sexual contact with other students in the residential setting.⁵ Founded in 1909, the private co-ed school primarily serves youth in need of structured environments who come from lower-income families.

The AIDS Law Project of Pennsylvania filed a civil lawsuit in federal court to challenge the school's decision, arguing that the Americans with Disabilities Act (ADA) protects HIV-positive youth from such exclusion.

School spokesperson Connie McNamara said, "If a student comes to us with an active, chronic communicable disease that we believe under the ADA laws rises to the level that it is a direct threat to the health and safety of the students - if that disease rises to that level, then we will not admit that student."⁶ The school released a statement defending its decision while acknowledging that HIV is not transmitted via casual contact.⁷

Phil Goropoulos, president of Alder Health Services in nearby Harrisburg, described the school's decision as "insane, illegal and inappropriate...Discrimination happens all the time...but usually it's subtle," he said. "You would think 31 years later we would be beyond this."⁸

⁵ Nick Malawskey, "Milton Hershey School Stands Behind Rejection of Student with HIV," *PennLive.com*, 3 December 2011, accessed 3 January 2012, <http://www.pennlive.com/midstate/index.ssf/2011/12/milton_hershey_school_stands_b.html>.

⁶ Ibid.

⁷ "Statement from Milton Hershey School on Lawsuit Filed by the AIDS Law Project of PA," accessed 3 January 2012, <<http://www.mhs-pa.org/statement>>.

⁸ Malawskey.

By Easter weekend 2012, protesters had gathered in San Francisco, New York City, and Hershey to boycott Hershey candy as result of the case, on the basis of alleged ties between the Milton Hershey School Trust and Hershey Company, maker of the famous chocolate candies.⁹

On July 12, 2012, the school reversed its policy under advisement from the U.S. Department of Justice. School officials are issuing a new Equal Opportunity policy clearly stating that HIV-positive applicants are to be treated no differently than any other applicant.¹⁰ An offer of admission was extended to the young person as part of the change.

School President Dr. Anthony Colistra confirmed that the young person had been offered admission following the policy reversal. “Although we believed that our decisions regarding [his] application were appropriate, we acknowledge that the application of federal law to our unique residential setting was a novel and difficult issue. The U.S. Department of Justice recently advised us that it disagrees with how we evaluated the risks and applied the law. We have decided to accept this guidance.”¹¹

Mandatory training on HIV issues is in development and will be required for staff and students.¹²

Meanwhile, in northern **New York State**, the Shenendehowa Central Schools of Clifton Park were the scene of controversy over the local Planned Parenthood affiliate’s role in assisting with sexuality education. After learning that the local affiliate had long provided guest presenters for Shenendehowa middle and high school classrooms, a group of local abstinence-only activists formed the Shen Parents’ Choice Coalition to demand an end to this arrangement. Bowing to the opposition, Schools’ Superintendent L. Oliver Robinson promptly ordered the cancellation of all Planned Parenthood appearances in Shenendehowa schools.

More than five dozen residents turned out for a Saturday-morning forum in which opposition leaders presented their ideas for an “alternative” sexuality education curriculum. One opposition leader, Emily Sederstrand, insisted that Planned Parenthood Mohawk Hudson materials and

⁹ Peter Jackson, “Hershey Boycott: AIDS Activists Step Up Call To Support HIV-Positive Teen Rejected From School,” *Huffington Post*, 6 April 2012, accessed 22 June 2012, <http://www.huffingtonpost.com/2012/04/06/hershey-boycott-aids-acti_n_1409294.html>.

¹⁰ “Milton Hershey School Will Allow Admission to Qualified Students with HIV,” statement from Milton Hershey School, 6 August 2012, accessed 8 August 2012, <<http://www.mhs-pa.org/admission-to-qualified-students>>.

¹¹ Ibid.

¹² Tara Culp-Ressler, “Milton Hershey School Reverses Its Decision, Allows Admission For HIV-Positive Student,” *ThinkProgress.com*, 7 August 2012, accessed 8 August 2012, <<http://thinkprogress.org/lgbt/2012/08/07/649961/milton-hershey-school-reverses-its-decision-allows-admission-for-hiv-positive-student/>>.

educational methods were causing emotional damage to students: “This is a type of sexual harassment going on. It’s bullying.”¹³ Sederstrand was joined by several other presenters, including Halfmoon resident Maureen Silfer, a vocal family planning opponent whose teen daughter first brought the curriculum to her attention.

District spokesperson Kelly DeFeciani said that, as a result of the controversy, the district would task its 18-member Health Advisory Council with reviewing the existing sexuality education curriculum. Sexual health topics are taught as a 10-day unit during eighth-grade health class, and again in either junior or senior year.¹⁴ The advisory council included school personnel as well as community representatives, including Silfer as an opposition voice.

Planned Parenthood Mohawk Hudson had a two-decade relationship with the school district, providing guest instructors and supplemental training for teen sexual health advocates, until the Superintendent halted all such activities. The agency’s work in 12 other upstate New York school districts, involving 46 public schools, had not generated any significant opposition until Silfer, Sederstrand, and others raised objections.¹⁵

Despite the attacks from family planning opponents, by June 2012 the needs of students had prevailed when the Health Advisory Council issued its recommendations. The Council advised the school district to welcome Planned Parenthood Mohawk Hudson back into classrooms. It also recommended that the district begin general health education earlier – at grade 6 rather than grade 8 - and begin sexuality instruction in grade 10 rather than grades 11 or 12. It also said sexual identity and orientation should be included as topics in the curriculum beginning with the 2012-2012 school year.

The victory for more comprehensive sexuality education was a clear defeat for the opposition. Silfer resigned from the Health Advisory Council in May 2012, complaining that the curriculum review process was not objective. As for the final recommendations for 2012-2013, she grouched, "It's the same curriculum we have been fighting since last May."¹⁶

¹³ Glenn Griffith, “Shen Parents' Choice Coalition Suggests School Adopt Abstinence-Centered Sex Education Program,” *Saratogia.com*, 21 January 2012, accessed 2 February 2012, <<http://www.saratogian.com/articles/2012/01/21/news/doc4f1b879f9f0f5107354838.txt?viewmode=fullstory>>.

¹⁴ Tatiana Zarnowski, “Shen: Abstinence Advocates Keep Fighting,” *DailyGazette.com*, 27 January 2012, accessed 2 February 2012, <http://www.dailygazette.com/news/2012/jan/27/0127_Abstain/>.

¹⁵ “Shenendehowa Fails Sex Ed - The Observation Deck: A Blog of Opinions on Local, State and National Issues,” *TimesUnion.com*, 8 January 2012, accessed 2 February 2012, <<http://blog.timesunion.com/opinion/shenendehowa-fails-sex-ed/17190/>>.

¹⁶ Dennis Yusko, “Shen Opens Door to Planned Parenthood,” *Timesunion.com*, 6 June 2012, accessed 25 June 2012, <<http://www.timesunion.com/local/article/Shen-eyes-new-sex-ed-policy-3610434.php>>.

Instructors Under Fire

In some communities, controversy erupted over the teaching style of instructors responsible for sexuality education. While one example of such conflict was clearly rooted in inadequate professional development and supervision, another was rooted in far more complicated dynamics involving public high school elective courses and a public higher education partner.

Grover Cleveland High School in Queens, **New York City**, lost a science teacher following his graphic and inappropriate lesson on pelvic exams. Instructor Dyrel Barteo was reported to have reclined behind his desk where he proceeded to spread his legs apart while demonstrating to his class how a pelvic exam is conducted. According to students, he “touched his crotch and said, ‘This is the doctors’ favorite part because they get to put their fingers inside their women patients.’”¹⁷ When he later discussed the effects of sexually transmitted infections, Barteo grabbed his groin area and made an “oohing” sound before the class.

Barteo resigned in April 2012 but the complaints refer to conduct observed over a year earlier, in 2011. Students voiced mixed views about his departure. “He was a great teacher, very motivated to teach his students,” said Amy Casulo.¹⁸ But Laura Morón, a junior who witnessed the infamous demonstration, described Barteo as “boring and weird.”¹⁹ Her peer Leslie Sanchez agreed: “I seen it [sic] for myself, he was a creep...the way he looked at girls wasn’t appropriate, and me, I really didn’t feel comfortable. But I didn’t really say anything.”²⁰

Parents were just as unhappy with his behavior. Said of one father of a student, “It’s crazy because I have a daughter and I don’t want her to go through this. She goes to public school, I want to be careful.”²¹

¹⁷ Kerry Burke and Ben Chapman, “Ed Dept. Cans Sicko Sex-Ed Instructor,” *Daily News*, 16 June 2012, accessed 27 June 2012, <http://articles.nydailynews.com/2012-06-16/news/32258880_1_ed-dept-desk-duty-students>.

¹⁸ Ellyn Marks, “Queens HS Teacher Gets The Boot After Going Too Far in Sex-Ed Class,” *KTLA.com*, 17 June 2012, accessed 27 June 2012, <<http://www.ktla.com/news/landing/wpix-high-school-teacher-sex-education-doe-ban-story,0,3119627.story>>.

¹⁹ Ben Yakas, “Queens Teacher Fired for Creepy Gynecological Lessons,” *Gothamist*, 16 June 2012, accessed 27 June 2012, <http://gothamist.com/2012/06/16/queens_teacher_fired_for_creepy_gyn.php>.

²⁰ “Queens Teacher Banned From City Schools For Over-The-Top Sex Ed Class,” *NewYork.CBSLocal.com*, 16 June 2012, accessed 2 July 2012, <<http://newyork.cbslocal.com/2012/06/16/queens-teacher-banned-from-city-schools-for-over-the-top-sex-ed-class/>>.

²¹ Ibid.

The situation with Barteo provided further motivation for New York City Schools Chancellor Dennis Walcott to push for swifter discipline for public school teachers accused of sexual misconduct. Walcott told the *New York Times* that, "...in our public schools, we are often unable to properly punish sexual misconduct *even after* it has been established by investigators. As a result, the teacher in question often remains in the classroom."²²

The conduct of the science teacher, while not representative of most New York City school personnel, raised awareness of the need for more professional training to better prepare teachers of sexuality topics whose professional specialization is not in human sexuality. For several years, the Sex Ed Alliance of New York City²³ (SEANYC), a multi-agency coalition committed to comprehensive sexuality education, has advocated for improved professional training to ensure safe, respectful sex ed classrooms in the city.

On the opposite side of the country, the Carson City School District, in **Nevada's** capital, struggled for months with a controversy involving high school student enrollment in dual-credit courses offered by publically-funded Western Nevada College (WNC).

In a course covering human sexuality taught by WNC Communications instructor Tom Kubistant, a continuing education student objected to assignments encouraging disclosure of personal sexual information. The student, a 60 year old medical technician, alleged that Kubistant assigned students to double their masturbation habits over the course of two weeks and turn in journals about their experiences. She filed a harassment complaint with the U.S. Department of Education's Office of Civil Rights, and in doing so created a challenge for the Carson City School District.²⁴

The district had permitted high schoolers to enroll in some WNC courses for dual credit as they pursued college degrees while completing their high school diplomas. The adult WNC student's allegations led some school policy stakeholders to argue that Kubistant's course was not in compliance with state law regulating the content of sexual health instruction for public school

²² Mary Ann Giordano, "Walcott Pushes for Easier Firing in Sexual Misconduct Cases," *New York Times*, 15 June 2012, accessed 3 July 2012, <<http://www.nytimes.com/schoolbook/2012/06/15/walcott-pushes-for-easier-firing-in-sexual-misconduct-cases/>>.

²³ Sex Ed Alliance of NYC web page, accessed 22 August 2012, <<http://www.sexedallianceofnyc.blogspot.com/>>.

²⁴ "Woman's Complaint about WNC Sex Class Gets the TV Treatment," *CarsonNow.org*, 16 November 2011, accessed 20 December 2011, <<http://carsonnow.org/story/11/16/2011/womans-complaint-about-wnc-sex-class-gets-tv-treatment>>.

students. State and local education authorities moved to revoke the dual-credit option, which, if eliminated, would leave Carson City high school students with no college-level alternative for sexuality education.

The WNC student noted in her complaint, "I joked, but was serious and said, 'I don't masturbate, so zero times zero is zero! [Kubistant] became angry and ordered the class to masturbate if they intended to pass the class.'" She said that when she asked Kubistant for an alternative assignment, he refused.²⁵

A WNC spokesperson said an independent investigator determined that her harassment allegation was unfounded, and noted that Kubistant had taught the class three times a year for seven years and had never had a complaint.

By January 2012, the Nevada State Board of Education had intervened to end the sexuality education dual-credit option for Carson City high schoolers.²⁶

Other student voices were rarely heard throughout the months of conflict over WNC's human sexuality course and its relationship to high schoolers in Carson City. The State Board of Education did not appear to consult with the estimated handful of Carson City students who took the course as an elective, nor did they appear to consult with those students' parents, whose approval would have been needed to enroll. Nor were college students at WNC evidently consulted by policy makers – the fact of the allegations was apparently judged sufficient by the State Board of Education to determine that the WNC course was harmful to learners of any age.

The local news media sometimes played the role of opposition, as in an editorial by the *Nevada Appeal* which applauded the State Board of Education's direct intervention into local matters, and urged an investigation along with pre-determined 'conclusions' that even adult students be shielded from college-level sexuality education:

"The state should conduct its own investigation of the curriculum. It should conclude that some of it is inappropriate - even for adults, let alone high school students seeking dual-course credit. It should order that students be allowed to opt out of any assignment that crosses the line between academic theory and what may be considered therapy."²⁷

²⁵ "Lawsuit vs. School Cites Masturbation Assignment," *AZCentral.com*, 9 November 2011, accessed 20 December 2011, <<http://www.azcentral.com/news/articles/2011/11/09/20111109nevada-student-lawsuit-over-sexuality-class.html>>.

²⁶ Joyce Lupiani, "Sexuality Class Now Off Limits for High Schoolers," *ABC 13 Action News Las Vegas*, 30 January 2012, accessed 22 June 2012, <<http://www.ktnv.com/news/local/138326784.html>>.

One of Kubistant's defenders identified herself as his student and as a classmate of the complainant, and had this to say (under the moniker 'RaeGigg13s') in the reader comments section of a piece by the *Huffington Post*:

"I was in class with [the complainant], and was present for every class the semester, I never miss a class with Dr. Kubistant, he is a brilliant man and I have learned so much from not only his Sexual Humanities course, but his Communication courses as well. As a woman who has endured countless encounters with sexual abuse, I can say I walked away from this class empowered, informed and confident.

Dr. Kubistant encourages but does not force his students to step outside if [sic] their comfort zones. Anyone with concerns about how much they wanted to share were not docked points as long as they wrote SOMETHING, and personal journals were only written every other entry [sic] as all the other entries were to be chapter reviews from the literature.

[The complainant] is a grown woman seeking work in a field where she will have to help people who come from abusive backgrounds but she will help no one if she cannot help herself first, I believe [she] would greatly benefit from finding psychological help in a more personal setting. No matter the outcome of the lawsuit, Dr. Kubistant wins, because he has a large following of grateful students who have overcome great obstacles, thanks to his courses, what more could a professor ask for than satisfied, liberated, confident and informed alumni? Dr. Kubistant has my full support as I wouldn't be able to live the full, happy life I do now without having taken his courses."²⁸

The U.S. Department of Education ultimately dismissed the WNC student's complaint.²⁹ At last report, the complainant had filed a lawsuit seeking \$75,000 in damages in a Nevada U.S. District Court against Kubistant, the chair of his academic department (Psychology) and Carol A. Lucey, WNC's president.

²⁷ "Our Opinion: Human Sexuality Course at Western Nevada College Goes Too Far," *NevadaAppeal.com*, 29 January 2012, accessed 30 January 2012, <<http://www.nevadaappeal.com/article/20120129/NEWS/120129702&parentprofile=search>>.

²⁸ Alyssa Creamer, "Karen Royce Sues Western Nevada College, Instructor Tom Kubistant Over Human Sexuality Course's Curriculum," *Huffingtonpost.com*, 29 June 2012, accessed 22 August 2012, <http://www.huffingtonpost.com/2012/06/29/karen-royce-lawsuit-western-nevada-college-tom-kubistant_n_1638504.html?view=screen>.

²⁹ Joyce Lupiani, "Feds Dismiss Carson City Sexuality Class Complaint," *ABC 13 Action News Las Vegas*, 31 January 2012, accessed 22 June 2012, <<http://www.ktnv.com/news/local/138407489.html>>.

Dramas Offstage and On: Extracurricular Conflicts

Western Nevada College was hardly the only higher-education venue embroiled in sexuality education controversy in 2011-12. One of the nation's premier Ivy League universities was the scene of intense dispute about the role of sexuality information in extracurricular student activities. And in several high schools around the U.S., student theater productions were banned or modified to appease opponents of frank portrayals of diverse sexual realities.

In **Connecticut**, Yale University's annual February Sex Week, a campus tradition since 2002, was forbidden by administrators from associating itself with Yale or using campus facilities unless it changed its sexual focus. Officials claimed that Sex Week had digressed from its original mission to educate and had become a showcase for "titillating displays, 'adult' film stars, and corporate sponsors of such material."³⁰

At least one student organization, Undergraduates for a Better Yale College, had been critical of Sex Week for relying too much on exhibitors and speakers from the commercial pornography industry. The group circulated a campus petition to ban the event altogether and over the Fall of 2011 had gathered over 200 signatures in support of the ban. A co-founder of the group, Eduardo Andino, criticized Sex Week on the grounds that it "always promoted or proceeded on the assumption that casual sex or pornography is a normal part of life and therefore an unquestionable good."³¹

Sex Week 2010 had included a talk with transgender adult film star Buck Angel and a presentation on sexual fantasies by sexologist Dr. Susan Block. The sponsor has been the student-run Sexual Literacy Coalition at Yale

Yale's Advisory Committee on Campus Climate, convened in the wake of a lawsuit alleging a hostile environment for women, issued a report that included pointed criticism of Sex Week.³² The committee, too, recommended banning Sex Week entirely. However, Yale president Richard Levin offered the Sexual Literacy Coalition a chance to re-formulate the event with activities and speakers less beholden to the adult entertainment industry. Levin issued a statement saying that, "We have no intention of suppressing the students' right to free expression. But we will not allow

³⁰ Caroline Tan and Antonia Woodford, "Sex Week Develops Proposal," *Yale Daily News*, 14 November 2011, accessed 28 November 2011, <http://www.yaledailynews.com/news/2011/nov/14/sex-week-develops-proposal/>.

³¹ Ibid.

³² "Report to the President and Fellows of Yale University of the Advisory Committee on Campus Climate," 15 September 2011, accessed 28 November 2011, <http://smr.yale.edu/node/12/attachment>.

the University's facilities or name to be used in the service of corporate sponsors and the private inurement of student organizers.”³³

By December 2011, student sponsors had proposed changes acceptable to the administration. The 2012 keynote speaker, Ann Olivarius, took part in a 1970s lawsuit against Yale that resulted in more progressive policies on sex discrimination and harassment. Her keynote addressed “sexual education and discourse as a means to prevent sexual violence.”³⁴ As a countermeasure on behalf of the opposition, Undergraduates for a Better Yale College hosted a concurrent “Love Week” to emphasize romance over sexual pleasure.³⁵

In the high school theater world, other issues were at play: a Pulitzer Prize-winning play was deemed unfit for **California**'s Palm Desert High School because of its references to sex, homosexuality, alcohol, and its characters' use of profanity. Tennessee Williams' *Cat on a Hot Tin Roof*, originally written in 1955, became a movie seen by millions in 1958. When questioned about the decision to ban a play written over 60 years ago, Palm Desert's principal Bob Hicks cited budgetary reasons; however, the budget for the play had already been approved at the start of the school year. Students and theater teacher John Hadley suggested that budget was less of an issue than sexual expression.³⁶

The amount of editing needed to omit sexual references would have changed the nature of the play considerably. Principal Hicks pointed out that Palm Desert needed to keep its audience in mind, saying that *Cat* might not be appropriate for younger siblings or grandparents, though many of today's grandparents were children when Williams won his Pulitzer.

Nationally, the play has long been popular for high schools to perform. For example in **Texas**, Houston's Montgomery High School performed the play in September 2011 with minor edits.

³³ Anna North, “Not on Our Campus: The Real Reason Yale Banned ‘Sex Week’”, *Jezebel.com*, 11 November 2011, accessed 18 November 2011, <<http://jezebel.com/5858643/why-yale-really-banned-sex-week>>.

³⁴ Anna North, “Sex Week at Yale is Officially On,” *Jezebel.com*, 18 January 2012, Accessed 20 June 2012, <<http://jezebel.com/5877210/sex-week-at-yale-is-officially-on>>.

³⁵ Caroline Tan, “Admins Approve Sex Week,” *Yale Daily News*, 19 January 2012, Accessed 20 June 2012, <<http://www.yaledailynews.com/news/2012/jan/19/admins-approve-sex-week/>>.

³⁶ Denise Goolsby, “Controversy gets ‘Cat on a Hot Tin Roof’ cancelled at Palm Desert High School,” *The Desert Sun*, 15 October 2011, accessed 24 October 2011, <<http://pqasb.pqarchiver.com/mydesert/access/2485598841.html?FMT=ABS&date=Oct+15%2C+2011>>.

The student director there, senior Hunter Odom, said that “[they] toned it down without dumbing it down.” They wanted to make sure that “it’s a compelling story, but one that won’t offend.”³⁷

Meanwhile in **Connecticut**, Hartford Public High School stirred up a different kind of controversy with a production of *Zanna Don’t*, a play set in a fictional world where homosexuality is normative and embraced. Hartford produced the play as part of an anti-bullying initiative, featuring a gay-male kiss which prompted about 30 mostly male students to walk out of the first production.³⁸

The opposition group Family Institute of Connecticut (FIC) issued a denunciation of the play and urged local conservatives to “send a letter to the *Hartford Courant* politely expressing disagreement with [the school’s] decision to indoctrinate students in the homosexual agenda, particularly without even notifying parents that they have the right to opt-out their children.”³⁹ In a statement to the *Courant*, however, executive principal Jack Baldermann noted that performances for freshmen would require active parental permission to attend. He defended the play as part of Hartford Public High’s effort to become a better school: “Part of that is talking about tough issues. It’s not just algebra and history and English, as important as that is...I mean, really, in this day and age – our students watch movies where people are killed and maimed, and they don’t walk out.”⁴⁰

Books Panned and Banned

Consistent with past school years, 2011-12 was marked by controversies over reading material in several school districts. In some cases, books assigned as part of summer or academic-year reading lists were contested or removed entirely owing to sexual content; and at least one elementary school library was faced with opposition for having a children’s book about penguins in a same-sex relationship.

³⁷ Brad Meyer, “Montgomery High to Present ‘Cat on a Hot Tin Roof’,” *YourConroeNews.com*, 19 September 2010, accessed 24 October 2011, <http://www.yourhoustonnews.com/courier/news/article_66576822-e3b7-5d2f-a021-8900b796a500.html>.

³⁸ Adam Polaski, “Gay Kiss Prompts Students to Walk Out of School Play,” *The Bilerico Project*, 19 October 2011, accessed 24 October 2011, <http://www.bilerico.com/2011/10/gay_kiss_prompts_students_to_walk_out_of_school_pl.php>

³⁹ “Just As We Warned: Outrageous Attack on Parental Rights,” *FIC Grassroots Action Center*, Family Institute of Connecticut web site, 17 October 2011, accessed 28 October 2011, <<http://www.voterveice.net/core.aspx?APP=GAC &AID=274&issueid=26438&SiteID=-1>>.

⁴⁰ Vanesa De La Torre, “Gay Kiss at Hartford Public High School Continues to Stir Reaction,” *The Hartford Courant*, 20 October 2011, accessed 24 October 2011, <<http://www.courant.com/community/hartford/hc-hartford-zanna-1021-20111020,0,5725718.story>>.

A required summer reading list at **New Jersey**'s Williamstown High School (Monroe Township School District⁴¹) came under fire after parents complained about the content of two books assigned to high school Honors English students: Haruki Murakami's *Norwegian Wood*⁴² and Nic Sheff's *Tweak: Growing Up on Methamphetamines*.⁴³

Norwegian Wood was assigned to sophomores enrolled in Honors English. Though it contains multiple suicides and a story of sexual assault, parental objections focused on a lesbian sex scene between an adult and a minor. *Tweak*, assigned to Honors English seniors, is an addict's memoir that includes graphic scenes of drug use and sexual intercourse. Again, parental objections focused mainly on scenes involving same-sex contact.

Chuck Earling, superintendent of Monroe Township Schools, defended the district's choice of Honors reading assignments: he noted that the books were picked by a review committee of school librarians, teachers, and administrators, and were approved by the local board of education. Review committee members "read the books (and) didn't feel (they were) inappropriate based on the language that's used, common language used on the street."⁴⁴ Nonetheless, the books were removed from the reading list and the review committee was reconstituted to include parents in the future.⁴⁵

Dade County School District in **Georgia**, a small district with four public schools, attracted attention for yanking a National Book Award winner from its reading list after facing parental objections over sexual content and profanity. Sherman Alexie's best-selling young adult novel, *The Absolutely True Diary of a Part-Time Indian*, had been assigned at Dade County High

⁴¹ Monroe Township School District web site: <<http://www.monroetwp.k12.nj.us/>>.

⁴² Jay Rubin, "Fiction Review: *Norwegian Wood*," *Publishersweekly.com*, 11 September 2000, accessed 4 October 2011, <<http://www.publishersweekly.com/978-0-375-70402-4>>.

⁴³ John A. Sellars, "Sheff Takes His Drug Recovery Public," *Publishersweekly.com*, 9 October 2008, accessed 4 October 2011, <<http://www.publishersweekly.com/pw/by-topic/new-titles/adult-announcements/article/1417-sheff-takes-his-drug-recovery-public-.html>>.

⁴⁴ Todd Starnes, "New Jersey School District Yanks Lesbian Sex Book From Required Summer Reading List," *FoxNews.com*, 23 August 2011, accessed 4 October 2011, <<http://www.foxnews.com/us/2011/08/23/new-jersey-school-district-yanks-lesbian-sex-book-from-required-summer-reading/>>.

⁴⁵ Rebecca Forand, "Risqué Summer Reading Selections Have Parents Upset, School Officials Scrapping Books in Monroe Township," *NJ.com*, August 22, 2011, accessed October 4, 2011, <http://www.nj.com/gloucester-county/index.ssf/2011/08/monroe_twp_parents_angry_over.html>.

School as part of a unit on discrimination awareness.⁴⁶ The book tells the story of physically challenged teen growing up on an Indian reservation and the prejudices he must surmount.

Typical of parental objections was that expressed by Mechele Berry, whose 15-year old son was assigned the book. Although the school informed parents by letter that the novel contained sexual references and profanity, “I returned it back with a note talking about how I didn’t approve of it... He showed me some of the things that were in it and it was just disgusting,” she said. “You know, perversion.”⁴⁷ One passage in the novel refers to masturbation. Other parents raised objections about profane language that offended their religious views. School district policy allows parents to request that their child be assigned alternative reading if they find any book objectionable. In this case, however, school administrators pulled the book completely off the reading list and removed it from the school library shelves.

Dade Superintendent Shawn Tobin convened an advisory committee of parents and teachers to discuss the specifics of *Absolutely True Diary* as well as general guidelines for assigning reading material in the future.

One of Tobin’s proposals generated intense disagreement among parents and teachers: “Employee will confirm reading material is free of vulgar language, sexual content, racial insults or demeaning religious connotations.” In the words of one teacher, this provision would eliminate “Chaucer, Shakespeare and huge tracts of the Bible. Books without sexual content or profanity? They don’t write ‘em.”⁴⁸ The district pledged to continue to work on establishing a book selection process that would satisfy the conflicting expectations of some Dade County parents and educators.

Fremont, **California**’s Washington High School endured criticism from teachers and students alike after banning a controversial American classic from the classroom for the third time. English teacher Teri Hu found the third time not a charm when submitting Dorothy Allison’s *Bastard Out of Carolina* for district approval. “I’m challenging them on their biases,” said Hu.⁴⁹

⁴⁶ Alison Morris, “An Absolutely Great Novel by Sherman Alexie,” *Publishers Weekly*, 6 August 2007, accessed 29 November 2010, <<http://blogs.publishersweekly.com/blogs/shelftalker/?p=158>>.

⁴⁷ Robin Ford Wallace, “Novel Pulled After Parents Complain,” *Dade County Sentinel*, 9 November 2011, accessed 29 November 2011, <<http://www.dadesentinel.com/v2/content.aspx?module=ContentItem&ID=227007&MemberID=1338>>.

⁴⁸ Ibid.

⁴⁹ Sharon Noguchi, “Fremont School Board Votes Down Controversial Book—Again,” *Mercury News*, 8 July 2012, accessed 12 July 2012, <http://www.mercurynews.com/education/ci_21022870/fremont-school-board-votes-down-controversial-book-again>.

Each year for the past four years, the Fremont School District had banned a book from English language classrooms; Allison's explicit memoir of childhood sexual abuse was rejected in 2009 and 2010; the Tony Kushner play *Angels in America* was rejected in 2011. What lay behind these decisions?

According to district school board President Lily Mei, the criterion was 'educational significance'. "I didn't feel it was of substantial educational value," she said, suggesting that other books with similar themes are more appropriate for Fremont classrooms.⁵⁰ "*The Color Purple* is more uplifting...there are characters out there that go through rape and abuse and have better endings."⁵¹ As for *Angels in America*, Mei said that the play "doesn't portray certain cultures in a very positive light."⁵²

Reactions to this decision were vocal from teachers, students, and parents. Recent high school graduate Mazin Mahgoub noted the seemingly pointless effort by the board to censor the adolescents' reading material. "Look at the kind of movies we watch. There are 13, 14 and 15 year old kids watching things on the Internet far beyond what we are reading."⁵³ Carlmont High School teacher Joseph Hill defended both board-rejected titles, arguing for their power to depict facets of human sexuality, and their ability to do so through good writing: "...they're not just about great ideas, they're also great art."⁵⁴

Fremont schools offered twenty-nine Advanced Placement high school English courses in 2010-11 alone,⁵⁵ leading parents such as Dianne Jones to express concern about the district's commitment to teach students the material they must learn in order to succeed. Allison's and Kushner's works are often referenced on Advanced Placement English exams. Jones summarized her concern in four words: "The issue is censorship."⁵⁶

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Alex Washburn, "There Goes Fremont Banning Books Again," *SF Bay*, 10 July 2012, accessed 12 July 2012, <<http://sfbay.ca/2012/07/10/there-goes-fremont-banning-books-again/>>.

⁵⁴ Noguchi, "Fremont School Board Votes Down..."

⁵⁵ Chris Roberts, "Fremont School Board Bans Controversial Books," *NBC Bay Area*, 9 July 2012, accessed 12 July 2012, <<http://www.nbcbayarea.com/news/local/Fremont-School-Board-Bans-Controversial-Acclaimed-Books-161826085.html>>.

⁵⁶ Noguchi, "Fremont School Board Votes Down..."

Minnesota's Rochester school district was the scene of controversy over the availability of the children's book *And Tango Makes Three* in the library of Gibbs Elementary School. Parents of one student sought to have the book removed from the shelves.

The book tells the story of two male penguins who raise a chick together. The story is based on real penguins, Roy and Silo, who shared egg-sitting duties at their nest in New York City's Central Park Zoo in 2004. The objecting parents in Minnesota expressed a belief that the book promotes homosexuality and was "inappropriate for elementary school students."⁵⁷

School Board Chairperson Julie Workman and Superintendent Michael Munoz ordered the book removed after receiving the initial complaint in Fall 2011, but a 13-member school district 'reconsideration committee' reversed that order, concluding that officials had violated school district policy on access to educational materials⁵⁸. At least one school board meeting about the controversy had a standing-room-only crowd, which overwhelmingly affirmed the book and opposed the district officials' initial attempts at censorship.

By late March 2012, a 'temporary resolution' was reached with the objecting parents, allowing the book to remain in the library, but requiring that at least one of the objecting parents be present when their child checks-out books in the future.⁵⁹

Cities on the Move

While smaller school districts struggled with opposition to books, plays, and other aspects of the hidden curriculum outside the formal sexuality education classroom, two of the nation's larger urban districts moved ahead with plans to increase student instruction and assessment related to adolescent sexual health.

The **New York City** Department of Education announced a "mayor's mandate" that public middle and high schools provide more comprehensive co-ed sexual health education classes, including lessons on condom use and safer sex practices; the mandate requires a semester of sexual health education in 6th or 7th grade, and again in 9th or 10th grade. The two curricula recommended for use are *HealthSmart* and *Reducing the Risk*, which were previously approved

⁵⁷ Mary Elizabeth Williams, "Rochester's Ridiculous Banned Book Controversy," *Salon.com*, 20 March 2012, accessed 3 April 2012, <http://www.salon.com/2012/03/20/rochesters_ridiculous_banned_book_controversy/singleton/>.

⁵⁸ "Book Brouhaha: 'Tango' Back in School," *StarTribune.com*, 24 March 2012, accessed 11 April 2012, <<http://www.startribune.com/local/144097246.html>>.

⁵⁹ Matthew Stolle, "Parents Won't Pursue Challenge of 'Tango' Book," *PostBulletin.com*, 28 March 2012, accessed 11 April 2012, <<http://www.postbulletin.com/news/stories/display.php?id=1491330>>.

and recommended by the Office of School Wellness Programs. The curricula could be incorporated into existing health education classes, making implementation of the mandate easier. The mandate was intended to ensure that sexual health education across New York City would be more consistent in content.⁶⁰

The initiative was specifically intended to address health disparities affecting Black and Latino students, who are at highest risk for unplanned pregnancy and sexually transmitted infection. The goal of the mandate is to delay the average age of first sexual intercourse, while addressing the reality that some students already engage in risky sexual behaviors.⁶¹

Although the Department of Education had long mandated the teaching of K-12 HIV/AIDS awareness lessons in compliance with state law,⁶² in-depth research with city voters and other school stakeholders confirmed widespread support for teaching much more comprehensive sexuality education in local public schools.⁶³

Opponents quickly asserted that abstinence, while already emphasized in the recommended curricula, should be the only topic taught. Bishop Nicholas DiMarzio of Brooklyn denounced the mandate, saying, “Yet again, our political leaders follow the trend of transferring authority to teachers from parents, and parents continue to lose the right to parent their own children.”⁶⁴

⁶⁰ Jodi Jacobson, “New York City Mandates Comprehensive Sex Education in Public Schools,” *RH Reality Check*, 10 August 2011, accessed 26 September 2011, <<http://www.rhrealitycheck.org/blog/2011/08/10/york-city-mandates-comprehensive-education-public-schools>>.

⁶¹ New York City Office of the Mayor, Press Release: “Mayor Bloomberg Launches Nation’s Most Comprehensive Effort to Tackle Disparities Between Young Black and Latino Males and Their Peers,” 4 August 2011, accessed 4 October 2011, <http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http://www.nyc.gov/html/om/html/2011b/pr282-11.html&cc=unused1978&rc=1194&ndi=1>.

⁶² New York City Department of Education, Office of School Wellness Programs, *HIV/AIDS Curriculum Overview*, accessed 4 October 2011, <<http://schools.nyc.gov/Academics/FitnessandHealth/StandardsCurriculum/HIVAIDSoverview.htm>>.

⁶³ NARAL Pro-Choice New York Foundation and National Institute for Reproductive Health, *If You Expect Us to Make Healthy Decisions, We Need Sex Ed: A Report on Sexuality Education in the New York City Public School System*, accessed 4 October 2011, <<http://www.prochoiceny.org/assets/files/sexedreport.pdf>>.

⁶⁴ Kevin J. Jones, “New York City’s Mandatory Sex Ed Program Draws Fire,” *Catholic News Agency*, 12 August 2011, accessed 23 August 2011,

New York City public schools have offered a parental opt-out on sexual health topics for over twenty years.

On the assessment front, **District of Columbia** public schools, including public charter schools, were slated to administer the nation's first standardized sexual health knowledge test questions starting in Spring 2012. Students attending the fifth, eighth, or tenth grade in publically-funded Washington D.C. schools were required to take a standardized health education test including items on human sexuality and contraception. The 50-question tests are planned to occur once per school year, and also include questions about drug use, mental health, and nutrition.

Some stakeholders expressed dismay at the use of standardized testing to address life skills that might be better addressed through improved teaching methods and teacher training. "Teaching to the test for health, too?" asked Nakisha Winston, head of the PTA at Langdon Education Campus in Northeast Washington.⁶⁵

Several city council members and some parents voiced concerns over the mandatory nature of the test; an "opt out" option for parents who do not want their child to take the test remained under discussion by policymakers.⁶⁶

Rates of teen pregnancy, sexually transmitted infections, and childhood obesity in the nation's capital are among the highest in the country. Many district adolescent health stakeholders believe that the new standardized test will enforce better sexual health education, as well as inform local policy makers about what teens truly about these subjects. The district plans to compile an annual report on the progress of education in these topic areas, based on the new assessments.

Access Denied: Information and Services Face Pushback

Sexual health care services for youth depend on supportive schools. During the 2011-12 school year, school-based health services and health-information-gathering by school districts, were targeted by the opposition. In one instance, a school district was forced to abandon questions on youth sexual health behaviors as part of a needs assessment. In several states, the Gardasil vaccine for HPV was denounced for its alleged role in promoting sexual activity. And condom

<http://www.catholicnewsagency.com/news/new-york-citys-mandatory-sex-ed-program-draws-fire/>.

⁶⁵ Bill Turque, "D.C. Schools Prepare for Nation's First Sex-Education Standardized Testing," 14 September 2011, accessed 7 October 2011, http://www.washingtonpost.com/local/education/dc-students-to-be-tested-on-sex-education/2011/09/12/gIQAnhyCTK_story.html.

⁶⁶ Neal Augenstein and Mark Seagraves, "D.C. Students to Take Standardized Sex Ed Test," *WTOP* 15 September 2011, accessed 7 October 2011 <http://www.wtop.com/?nid=41&sid=2545962>.

availability came under fire in at least one district with a long history of successful implementation.

A survey called the Prevention Needs Assessment divided parents of public school students in Ludlow, **Massachusetts**. Intended to gather information on risk behaviors of 6th, 8th, 10th, and 12th graders, the survey included questions asking whether students had ever experienced oral, anal, and vaginal intercourse.^{67,68} One parent of a middle school student framed his disapproval in these terms: “Sixth and eighth graders are going to read these words and come home and ask what they mean.”⁶⁹

Interim Superintendent Donna Hogan stressed that parents could opt their child out of the questionnaire, but opponents were not satisfied with this provision. As a result, the school district bowed to opponents by removing the sexual behavior questions from the 6th grade survey.

Illustrating the controversy, a ‘community comment’ section on the local WGGB-Fox 6 television website teemed with arguments for and against asking youth about their sexual experiences. One local resident defended the original survey by saying, “Only when you have baseline data, can you build an effective program...Ludlow has a drug problem. Ludlow is also #4 in the state of MA as far as cases of teenage Chlamydia. Should we bury our heads in the sand?”⁷⁰

Access to health behavior data was not the only public health issue dividing school stakeholders. Gardasil, the vaccine to prevent Human Papilloma Virus (HPV), continued to ignite opposition around state-level mandates requiring its availability. When first introduced in 2006 following approval by the U.S. Food and Drug Administration (FDA),⁷¹ opponents argued that Gardasil would promote teen sexual activity; this fear continued to drive opposition in some communities

⁶⁷ Ryan Trowbridge, “ABC40 Follow Up - School District Removes Controversial Questions,” *WGGB.com ABC40 Springfield*, 16 February 2012, accessed 1 March 2012, <<http://www.wggb.com/wp-content/uploads/2012/02/Survey1.pdf>>.

⁶⁸ *Ibid.*, <<http://www.wggb.com/wp-content/uploads/2012/02/Survey2.pdf>>.

⁶⁹ Tricia Taskey, “Ludlow School Survey Controversy,” *WGGB.com ABC40 Springfield*, 15 February 2012, accessed 1 March 2012, <<http://www.wggb.com/2012/02/15/ludlow-school-survey-controversy/>>.

⁷⁰ Ray Hershel, “Controversial Student Survey Amended in Ludlow,” *WGGB.com ABC40 Springfield*, 16 February 2012, accessed 1 March 2012, <<http://www.wggb.com/2012/02/16/controversial-student-survey-amended-in-ludlow/>>.

⁷¹ U.S. Food and Drug Administration, “Gardasil,” Last updated 11 October 2011, accessed 17 October 2011, <<http://www.fda.gov/BiologicsBloodVaccines/Vaccines/ApprovedProducts/UCM094042>>.

during the 2011-12 school year. In tandem with opponents of comprehensive sexuality education, anti-vaccine groups also denounced Gardasil, exaggerating sporadic reports of side effects.⁷²

California Governor Jerry Brown signed into law a provision allowing females as young as 12 to obtain Gardasil without written parental permission. The law raised questions about the role of school-based health centers. Los Angeles Bishop José Gómez voiced the views of many opponents by condemning the measure as a "serious erosion of parental rights in California." Yet Cathy O'Connell Cahill, senior editor of *U.S. Catholic*, voiced support: "The vaccine is suggested for 12 year olds because, in fact, yes, a certain percentage of them will soon be sexually active, [but] the HPV vaccine protects even those young women who will not have sex until their wedding night! [...]Are people seriously suggesting that parents should pass up the vaccine because they think their child will see it as some kind of permission to become sexually active?"⁷³

The 2012 presidential campaign further emboldened opponents of Gardasil, leading them to pressure office seekers into denouncing the vaccine. In **Texas**, Governor Rick Perry, a short-lived candidate for the Republican presidential nomination, was criticized for signing a 2007 mandate (since repealed), that required HPV vaccination for girls entering sixth grade. Some Gardasil opponents, including fellow Republican presidential primary candidate Michele Bachmann, stoked suspicion that Perry's original position on the vaccine was influenced by campaign contributions from its manufacturer, Merck & Co.⁷⁴ Vaccine supporters pointed out the contradiction in Perry's stance, given his support for limited government and abstinence-only-until-marriage sexuality education. Sounding those very themes, Kyleen Wright of Texans for Life weighed-in on the news of Governor Brown's decision in California: "Anytime the government wants to be a substitute for parents, then we have a problem."⁷⁵

The Gardasil debate has implications for school-based health educators and clinicians. Since 2006, legislators in at least 41 states have introduced measures to require, fund, or educate about vaccination to protect against HPV. Initially, many measures proposed mandating the vaccine for

⁷² Hilary Hylton, "Anti-Vaccine Activists vs. Gardasil," *Time Magazine*, 19 June 2008, accessed 17 October 2011, <<http://www.time.com/time/health/article/0,8599,1816507,00.html>>.

⁷³ Kelly Luttinen, "Parental Rights Seen as Heart of Controversy on HPV Vaccine," *Zenit.org*, 13 October 2011, accessed 17 October 2011, <<http://www.zenit.org/article-33662?l=english>>.

⁷⁴ Trip Gabriel and Denise Grady, "In Republican Race, Heated Battle over the HPV Vaccine," *The New York Times*, 13 September 2011, accessed 17 October 2011, <http://www.nytimes.com/2011/09/14/us/politics/republican-candidates-battle-over-hpv-vaccine.html?_r=1&ref=us>.

⁷⁵ Dawn Tongish, "California Plan to Allow Minors to Receive HPV Vaccine Without Parental Consent, Draws Ire in Texas," *The CW33 News*, 10 October 2011, accessed 17 October 2011, <<http://www.the33tv.com/news/kdaf-gardasil-with-no-parental-consent-story,0,1904517.story>>.

school attendance; in recent years, possibly owing to backlash from the opposition, such provisions have been rarer.⁷⁶

On the east coast, opposition greeted the condom availability program for prom night at **New York City**'s Bedford-Stuyvesant Preparatory High School in Brooklyn. Principal Darryl Rascoe, who had previously stated that he was unaware of any controversy, reversed course and restricted condom availability to a special assembly two days before prom, instead of on the night of the big event.

Opposition came from unusual bedfellows: the conservative National Abstinence Education Association and the city's own Department of Education. Margie Feinberg, spokesperson for the NYC DOE, explained the department's position: "We said it was fine as long as the condoms are in a separate room, and [Rascoe] has written parental consent."⁷⁷

The National Abstinence Education Association, committed to opposing all comprehensive sexuality education in schools, was less keen on compromise. Executive Director Valerie Huber shared her group's viewpoint via email, stating, "We are concerned that the distribution of condoms on school campuses further normalizes teen sex."⁷⁸ Huber made sure to use the phrase "condom distribution" rather than "condom availability" to create a misperception that the school aggressively places condoms in students' hands (as opposed to the reality, in which the policy allows the school to make condoms *available* to students who request them).

Despite the opposition, many students voiced support of the school's effort to address widely-held sexual expectations linked to prom night. "It's a great idea," believes senior Shaquana Brown. "You know, there are after parties and stuff."⁷⁹ Ben Isaacs, Vice President of NV Healthcare (the organization supplying the school with NuVo condoms), further elaborated: "NuVo believes condoms should be available for anyone that wishes to protect themselves against STDs and unwanted pregnancies."⁸⁰

⁷⁶ "HPV Vaccine: State Legislation and Statutes," National Conference of State Legislatures web site, accessed 29 October 2011, <<http://www.ncsl.org/default.aspx?tabid=14381>>.

⁷⁷ Brian Alexander, "School Backs Off Condom Giveaway at the Prom," *MSNBC*, 30 May 2012, accessed 11 June 2012, <<http://vitals.msnbc.msn.com/news/2012/05/24/11862506-school-backs-off-condom-giveaway-at-the-prom?lite>>.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ Mary Frost, "Brooklyn H.S. Condom Giveaway Back On—Just Not at the Prom," *Brooklyn Daily Eagle*, 31 May 2012, accessed 13 June 2012, <<http://www.brooklyneagle.com/articles/brooklyn-hs-condom-giveaway-back-%E2%80%94-just-not-prom>>.

Condom availability ultimately occurred at a special sex education assembly on June 5, two days before prom night. Despite the controversy, Isaacs expressed a belief that comprehensive sexuality education and condom availability complement abstinence promotion. “We don’t have shows like ‘Sixteen and Pregnant’ because abstinence is working,” he said. “We’re trying to get the conversation started again about safe sex.”⁸¹

Setbacks, Gains, and Standoffs on Practice and Policy

Compromises such as those at Bedford-Stuyvesant Prep were hard to come by in most other places in 2011-12. In many school districts and state legislatures, opponents of more comprehensive sexuality education approaches dug in, drew lines in the sand, and refused to reason with proponents pointing to public health data on adolescent sexual behavior. Significant policy setbacks in some locations were balanced by the ‘victory’ of maintaining the status quo in others. Regardless of policy outcomes, the heated rhetoric of the opposition continued to equate comprehensive sexuality education with sexual abuse and abortion promotion. This relentless attack on sound sexuality education posed an ongoing challenge for progressive advocates.

In one notorious example, sexuality education was likened to the rape of children in the view of some parents following a sexuality education presentation at an elementary school in Onalaska, **Washington State**. “I’m one pissed off cowboy, I didn’t appreciate them teaching my daughter – who is innocent of that – at all,” stated parent James Gilliand. “It’s just the same as raping somebody, but you’re raping their innocence instead of their physical being,” he added.⁸²

What warranted the outrage? The principal, who was leading an HIV/AIDS presentation to fifth-grade 11 year olds, was asked by a student about other forms of sexual activity. She proceeded to describe what oral sex is, using anatomically-correct terms.

Parent Curtis Pannkuk asked his daughter to repeat at home what the principal had described: “You take a man’s penis and you put it in your mouth – that’s what the girls do to the boys...the

⁸¹ Sonja Sharp, “Bed-Stuy Prom Condom Controversy ‘Overblown,’ Students and Parents Say,” *DNAInfo*, 6 June 2012, accessed 11 June 2012, <<http://www.dnainfo.com/new-york/20120606/bedford-stuyvesant/bed-stuy-prom-condom-controversy-overblown-students-parents-say>>.

⁸² Billy Hallowell, “‘Raping Their Innocence’: Parents Outraged After School Principal Allegedly Teaches 5th Graders About Oral & Anal Sex,” *TheBlaze.com*, 14 June 2012, accessed 21 June 2012, <<http://www.theblaze.com/stories/raping-their-innocence-parents-outraged-after-school-principal-allegedly-teaches5th-graders-about-oral-anal-sex/>>.

boys spread the girls' legs apart and put their mouths down on the vaginas."⁸³ Pannkuk concurred with Gilliland on the analogy of rape: "One of the other parents said it well – they raped the minds of the ten year old, eleven year old kids."⁸⁴

Onalaska School District Superintendent Scott Fenter defended the principal's actions. "[She] stuck to the curriculum," he explained.⁸⁵ "It's pretty difficult to talk about STDs or sexually transmitted diseases without explaining what that is, or how it's transmitted."⁸⁶ He further defended the principal's response by noting that children's sexual awareness develops before sixth grade, and "we know that's the age where many children start to become sexually active, unfortunately."⁸⁷

According to Fenter, the school sent notices to all parents regarding sexuality education lessons, giving them the option to review the materials and respond if they had concerns. Only three parents requested to review the content, suggesting that the opposition, while loud in comparing sexuality education to rape, was specifically about the principal's conduct and not about the overall program of instruction.

Organized national opponents of comprehensive sexuality education immediately used the incident to denounce Planned Parenthood, SIECUS, and the more comprehensive Seattle-King County FLASH Curriculum.⁸⁸ Despite this, it was unclear whether the complaints of a few parents would constitute a true local controversy in the long term, or simply remain a minor incident fueled by the national opposition.

In **Massachusetts**, two Republican state legislators led a drive to change state education policy on sexuality education. Representatives Betty Poirier (R- N. Attleboro) and Jay Barrows (R- Mansfield) sought to end a longstanding policy requiring local school districts to offer an 'opt-out' provision for sexual health instruction. Worried that the state would soon enact new health and sexuality education standards, and claiming to represent the interests of parents, the

⁸³ Todd Starnes, "Parents Furious After School Teaches Graphic Sex Class," *Fox News Radio*, 14 June 2012, accessed 21 June 2012, <<http://radio.foxnews.com/toddstarnes/top-stories/parents-furious-after-school-teaches-5th-graders-about-oral-anal-sex.html>>.

⁸⁴ Ibid.

⁸⁵ Rita Diller, "School Uses Planned Parenthood Curriculum to Teach Kids Oral Sex," *LifeNews.com*, 20 June 2012, accessed 21 June 2012, <<http://www.lifenews.com/2012/06/20/school-uses-planned-parenthood-curriculum-to-teach-kids-oral-sex/>>.

⁸⁶ Starnes, "Parents Furious..."

⁸⁷ Ibid.

⁸⁸ Diller.

legislators proposed House Bill 155⁸⁹ to change the mandate so that parents would have to sign active opt-in permission slips before their children could attend lessons addressing sexual health and related sexual topics.

Democrat Alice Wolf, a state representative from Cambridge who authored the bill to update statewide standards, criticized the opt-in proposal as “a terrible idea...Betty Poirier and I are good pals, but I don’t agree with her.”⁹⁰

Support for the opt-in measure was strongest among anti-abortion advocates. Marie Sturgis, executive director and legislative director of Mass Citizens for Life, endorsed the bill while testifying before the Massachusetts state legislature’s Joint Committee on Education. “One of the problems with current sex education is they are explaining the law to students instead of the parents, and they’re teaching students how to get abortions under the parents’ radar, and this is totally wrong,” she said.”⁹¹ As of summer 2012, the bill had not made it out of committee, and opt-out remained official state policy.

The story was far different in **Wisconsin** where Tea-Party Republicans, having taken control of the legislature in the 2010 elections, worked hard to repeal the state’s Healthy Youth Act, which had become law only a year before. Under the Healthy Youth Act, any public school that opted to teach about sexuality beyond the minimal mandated topic of HIV infection would be required to include medically-accurate information about contraception in addition to information about abstinence. Opposition State Senator Mary Lazich (R-New Berlin) argued that local school districts should have the ‘flexibility’ to design their own curricula, and introduced a bill to reverse the more comprehensive requirements. Her proposal (AB337) pleased the opposition by requiring that public schools teach about the benefits of marriage.⁹²

In the language of AB337 public schools would be required to “present abstinence as the preferred choice of behavior for unmarried pupils [and] provide instruction in parental

⁸⁹ Massachusetts Bill H.155, “An Act Requiring Parental Consent on Sex Education in Public Schools,” accessed 23 August 2012, <<http://www.malegislature.gov/Bills/187/House/H00155>>.

⁹⁰ Adam Tamburin, “‘Opting in’ to Sex Ed Schools,” *The Sun Chronicle*, 3 October 2011, accessed 14 October 2011, <<http://www.thesunchronicle.com/articles/2011/10/03/news/10268092.txt>>.

⁹¹ Brittany Abery and Justin Meisinger, “Poirier Wants Parent OK for Sex Ed,” *The Sun Chronicle*, 20 October 2011, accessed 31 October 2011, <<http://www.thesunchronicle.com/articles/2009/10/20/news/6295467.txt>>.

⁹² Kelly Schlicht, “Abstinence-Only Sex Ed Bill Stirs Up Controversy,” *WEAU*, 20 October 2011, accessed 28 October 2011, <http://www.weau.com/news/headlines/Abstinence-only_sex_ed_bill_stirs_up_controversy_132273988.html>.

responsibility and the socioeconomic benefits of marriage.”⁹³ Ironically, the bill also required that such instruction not discriminate on the basis of sexual orientation, although Wisconsin law does not support marriage equality. The inclusiveness provision was an amendment added by Democrats.

The debate was shaped by party-line loyalties, with Republicans supporting the bill and Democrats fighting to preserve the Healthy Youth Act. Abstinence-only supporters were determined to eliminate the possibility of contraceptive education in public schools: "We are trying to back away from the bill passed last year that we feel mandated sex-ed that was too nonjudgmental, too explicit and at too young an age," said Republican State Senator Glenn Grothman of West Bend.⁹⁴

Supporters of the Healthy Youth Act continued to advocate for the defeat of the abstinence-only proposal, citing its inadequacy at addressing the health needs of students who are already sexually active. "What we're about to do is take a huge step back...to the Flintstone era" warned Democratic state senator Jon Erpenbach of Middleton.⁹⁵

Students across Wisconsin expressed support for the Healthy Youth Act. Ani Djaferian, a senior at Wausau East High School in Milwaukee, was among those praising the more comprehensive approach now required by law. "Without our schools educating, my peers will turn to Google searches and gossip for answers regarding very serious matters," she said.⁹⁶

By March 2012, the State Senate had joined the Assembly with its own version of the legislation (SB 237)⁹⁷ and Republican Governor Scott Walker signed the measure into law along with a raft of other anti-sexual-rights provisions to restrict abortion and permit pay discrimination based on gender.⁹⁸

⁹³ "2011 Assembly Bill 337," Wisconsin Legislative Documents, accessed 28 November 2011, <<https://docs.legis.wisconsin.gov/2011/related/proposals/ab337>>.

⁹⁴ Mary Spicuzza, "Wisconsin Senate Sex Education Bill Urges Abstinence," *Greenbaypressgazette.com*, 3 November 2011, accessed 28 November 2011, <<http://www.greenbaypressgazette.com/article/20111103/GPG0101/111030572/Wisconsin-Senate-sex-education-bill-urges-abstinence>>.

⁹⁵ Ibid.

⁹⁶ Patrick Marley, "Bill Would Allow the Return of Abstinence-Only Sex Education in Schools," *Journal Sentinel Online* 19 October 2011, accessed 31 October 2011, <<http://www.jsonline.com/news/statepolitics/bill-would-allow-the-return-of-abstinenceonly-sex-education-in-schools-132153708.html>>.

⁹⁷ NARAL Pro-Choice Wisconsin, "In Final Days of Legislative Session, More Blows Dealt in War on Women," 16 March 2012, accessed 18 June 2012, <<http://www.prochoicewisconsin.org/news/press/201203161.shtml>>.

The impact of this reversal, while a setback for comprehensive sexuality education in terms of state policy, has not discouraged advocates in some local school districts. In Beloit, a community of 37,000 residents in southern central Wisconsin, the district has moved ahead with a more comprehensive curriculum that covers more topics at more grade levels than in the past. Instruction will start in kindergarten and continue through grade 12; contraceptive education will begin in grade 6. The board of education unanimously approved the changes recommended by the Human Growth and Development Curriculum Committee.

Although there was some community opposition to the improved curriculum, School Board Member John Acomb made the board's position clear: "We are not running a how-to workshop here, but what we are doing is putting out a program, the primary purpose of which is to prevent pregnancy and the spread of sexually transmitted diseases."⁹⁹

In the Deep South, a different dynamic was at play in **Mississippi**, where a 2011 state law required public schools to implement either an approved abstinence-only-until-marriage program or an approved 'abstinence-plus' sexual health education program by the start of the 2012-13 school year. As the 2011-12 school got underway, two county school districts had already met the mandate: Lincoln and Brookhaven counties quickly chose an abstinence-only approach, determining that information about condoms and contraceptives would describe them only in terms of failure rates. The 'abstinence-plus' approach still requires schools to promote abstinence and marriage but also authorizes them to provide more comprehensive information about condoms, contraception, and prevention of sexually transmitted infections. By the conclusion of the 2011-12 school year, 71 of the state's school districts had chosen abstinence-plus curricula, 81 chose abstinence-only curricula, and 3 districts chose both kinds of curricula for use at different grade levels.¹⁰⁰

⁹⁸ NARAL Pro-Choice Wisconsin, "Statement on Governor Walker Signing Package of Bills Attacking Women and Reproductive Health Care Access," 9 April 2012, Accessed 18 June 2012, <<http://www.prochoicewisconsin.org/news/press/201204091.shtml>>.

⁹⁹ Hillary Gavan, "Board Adopts Sex-Ed Plan," *BeloitDailyNews.com*, 23 May 2012, accessed 23 August 2012, <http://www.beloitdailynews.com/news/board-adopts-sex-ed-plan/article_98920ebc-a4e6-11e1-87ae-001a4bcf887a.html>.

¹⁰⁰ "Most Mississippi Schools Adopt Abstinence-Only Sex Education Policy," *ClarionLedger.com*, 28 July 2012, accessed 23 August 2012, <<http://www.clarionledger.com/article/D0/20120728/NEWS/120728015/Most-Mississippi-schools-adopt-abstinence-only-sex-education-policy>>.

"Abstinence-only was the best fit for our district," explained Dr. Lisa Karmacharya, Brookhaven School District superintendent.¹⁰¹ While teen birth rates in Lincoln and Brookhaven counties are roughly double the national average, they are only mid-range for Mississippi as a whole, thus these "typical" school districts may embody the most common response of districts to the new law – that is, replacing 'no' local policy on sexual health education with an 'abstinence-only' policy based on local political concerns rather than best public health evidence.

The law has required school districts to separate males and females during sexual health instruction, and while not requiring any specific curriculum the instructional materials must meet the standards of the state Department of Education. All public school districts must observe an "opt-in" policy, ensuring that only students whose parents signed a permission slip will actually participate. The new law also charges the Mississippi Department of Human Services and the Mississippi Department of Health to develop a new school sexual health education curriculum, as an option for local districts.

Mississippi leads the U.S. in teen birth rates. Rachael Canter, the Executive Director of the public policy advocacy non-profit Mississippi First, noted that "Kids in Mississippi have more sex at younger ages than kids in any other state in the country...by the 12th grade, 76 percent of (our) students have become sexually active."¹⁰² Mississippi First has partnered with the state Department of Health to support districts that choose an 'abstinence-plus' program with funds from a federal Personal Responsibility Education Program (PREP) grant.¹⁰³

An entirely different situation prevailed in **Utah**, where Republican Governor Gary Herbert vetoed a bill that would have restricted the state's public schools to providing nothing but abstinence-only-until-marriage instruction. The restrictive legislation had cleared the Utah State House and Senate, and the Governor's veto was unexpected.

Utah State Republican Representative Bill Wright had led an assault on public schools' ability to address the topic of contraception as part of sexuality education. Existing law had permitted schools to cover the topic while stipulating that teachers could not advocate the use of contraception. Wright made it a crusade to remove the topic from the curriculum altogether.

¹⁰¹ Caleb Bedillion, "Schools OK Early Plans for Sex Education," *Dailyleader.com*, 11 August 2011, accessed 4 October 2011, <http://www.dailyleader.com/news/article_8d790e76-c437-11e0-9ac7-001cc4c002e0.html>.

¹⁰² Mississippi First, "Creating Healthy and Responsible Teens (C.H.A.R.T.) Initiative," accessed 4 October 2011, <<http://www.mississippifirst.org/CHART-initiative>>.

¹⁰³ Administration for Children & Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services, "Fact Sheet: Personal Responsibility Education Program," 19 January 2011, accessed 4 October 2011, <<http://www.acf.hhs.gov/programs/fysb/content/programs/tpp/prep-facts.htm>>.

“When we promote promiscuous behavior it’s the same thing as promoting alcohol or drugs,” he argued.¹⁰⁴

The Utah PTA, Planned Parenthood Association of Utah, and the American Civil Liberties Union of Utah all joined the battle to preserve parental choice and academic freedom, insisting that Wright’s measure would impose upon all schools a one-size-fits-all curriculum limited only to discussion of abstinence and marriage. Supporters of Wright’s measure included the conservative Utah Eagle Forum and the Sutherland Institute.

The Utah House passed the measure, HB363, in late February 2012 by a majority of 45-28. The bill not only required abstinence-only-until-marriage programming in public schools, it would also have given schools the option to forego teaching anything about sexuality altogether.¹⁰⁵

During the House debate, opponents of Wright’s reactionary bill made the case for more comprehensive approaches to sexuality education in public schools. Democratic State Representative Brian King of Salt Lake City argued that Utah citizens held diverse viewpoints about sexual activity outside of marriage, and that Wright’s bill would “force our beliefs down the throats” of those who do not see non-marital sex as intrinsically harmful.¹⁰⁶

In issuing his surprise veto, Governor Herbert stated, "Existing law respects the ability of Utah parents to choose if and how their student will receive classroom instruction on these topics. Under current law, a parent must opt in, in writing, before their student can attend all or any portions of any class discussing human sexuality. If HB 363 were to become law, parents would no longer have the option the overwhelming majority is currently choosing for their children. I am unwilling to conclude that the State knows better than Utah's parents as to what is best for their children."¹⁰⁷ Although the state’s existing opt-in provision is a barrier to more open access to sexuality education, and state law is already highly restrictive as to what can be taught, the Governor’s veto was a victory for advocates of more comprehensive approaches to the degree that it blocked extreme conservatives in their quest to eradicate all sexuality education from Utah public schools.

¹⁰⁴ Lisa Schencker, “Utah Lawmaker Wants to Ban Talk of Contraception in Schools,” *The Salt Lake Tribune*, 10 February 2012, accessed 1 March 2012, <<http://www.sltrib.com/sltrib/faith/53475504-90/bill-contraception-districts-education.html.csp>>.

¹⁰⁵ Lisa Schencker, “Utah House Passes Bill to Allow Schools to Skip Sex Ed,” *The Salt Lake Tribune*, 23 February 2012, accessed 1 March 2012, <<http://www.sltrib.com/sltrib/utes/53570545-90/abstinence-allow-bill-education.html.csp?page=1>>.

¹⁰⁶ Ibid.

¹⁰⁷ Press Release, “Governor Vetoes Health Education Bill, HB 363,” 16 March 2012, accessed 2 April 2012, <http://www.utah.gov/governor/news_media/article.html?article=6797>.

More encouraging developments could be found in the unlikeliest of places. Midland, Texas, the childhood home of former President George W. Bush, had an epiphany about sexuality education in the 2011-12 school year. Until 2011, many Midland public school stakeholders believed that abstinence-only-until-marriage education was the best possible approach for school programs. However, as local adolescent pregnancy rates increased they began to face the evidence that this approach was not effective. Soul-searching ensued, and local opinion leaders began to express a willingness to reconsider cherished beliefs.¹⁰⁸

One result in Midland is an effort to replicate the evidence-based program, *It's Your Game - Keep It Real*¹⁰⁹. The replication was made possible thanks to funding obtained by the University of Texas Health Sciences Center at Houston, which developed the intervention. *It's Your Game* was selected by the school district in the belief that it would better engage students through computer-based activities not available in Midland's old curriculum. The replication was planned for the district's seventh and eighth graders, and was selected by a health advisory panel composed of parents, school personnel, and other community representatives.

Texas has the nation's third-highest teen birth rate;¹¹⁰ with little to show for their longstanding embrace of abstinence-only-until-marriage programs, school districts across the state are increasingly open to 'abstinence-plus' programs that at least provide medically-accurate information about condoms and contraception. As in Mississippi, such approaches still promote abstinence and marriage but acknowledge the reality that sexually active young people can take measures to maintain their sexual health.

Amarillo-based Worth the Wait has provided an abstinence-only-until-marriage curriculum for several school districts in the Texas Panhandle. Their executive director, Amy Christie, insisted that those districts have not sought more comprehensive approaches, although the number of districts that use her curriculum has dropped from seven to four.¹¹¹

¹⁰⁸ Morgan Smith, "More Schools Teach Safe Sex with Abstinence" *The Texas Tribune*, 16 September 2011, accessed 7 October 2011, <<http://www.texastribune.org/texas-education/public-education/condoms-safe-sex-appear-more-texas-sex-education/>>.

¹⁰⁹ *It's Your Game*, University of Texas Prevention Research Center, accessed 14 August, 2012, <<https://sph.uth.tmc.edu/tprc/its-your-game/>>.

¹¹⁰ "Births, by Cesarean Delivery: United States, Each State and Territory, Final 2008 and Preliminary 2009," Table I-3, *National Vital Statistics Reports*, v59, n3, 21 December 2010, accessed 7 October 2011, <http://www.cdc.gov/nchs/data/nvsr/nvsr59/nvsr59_03_tables.pdf>.

¹¹¹ Morgan Smith, "More Schools...."

Despite research that abstinence-only-until-marriage programs are ineffective at delaying sexual activity until marriage,¹¹² it remains the sex education plan of choice for most schools in Texas. Texas' state health department chose not to pursue federal funding opportunities for more comprehensive sexual health promotion,^{113,114} and continues to be the largest recipient of federal money for abstinence-only-until-marriage programs.¹¹⁵ However, as developments in Midland suggest, change is underway in how Texas public school districts approach sexuality education.

Similar considerations were at play in northeastern **Illinois**, where the board of education of Oswego Community Unit School District 308 considered abandoning abstinence-only-until-marriage in favor of 'abstinence-plus.'¹¹⁶ Instruction would still be required to emphasize abstinence as the most effective to prevent unwanted pregnancy and STIs, but medically-accurate lessons on contraception could also be included. Health teachers in the district's two high schools had not been permitted to educate students about contraception.

According to Carla Johnson, the district's executive director of teaching and learning, a local survey showed that 82% of parents would support an 'abstinence-plus' program.¹¹⁷

However, other parents and at least one board member voiced concerns that the school was not an appropriate place for more comprehensive instruction. Board Member Brent Lightfoot opposed any change to the sexuality education curriculum: "My personal problem with this is that I don't think it's the school's responsibility to be teaching this. I think it's the responsibility of

¹¹² Christopher Trenholm, et al., *Impacts of Four Title V, Section 510 Abstinence Education Programs*, Princeton, NJ: Mathematica Policy Research, April 2007, <<http://mathematica-mpr.net/publications/PDFs/impactabstinence.pdf>>.

¹¹³ "FY 2010 Personal Responsibility Education Program (PREP) Grantees," Administration for Children & Families web site, accessed 7 October 2011, <http://www.acf.hhs.gov/programs/fysb/content/docs/10_prep.htm>.

¹¹⁴ "Teen Pregnancy Prevention & Personal Responsibility Education Program Grants by State," U.S. Department of Health and Human Services web site, accessed 7 October 2011, <http://www.hhs.gov/news/press/2010pres/09/teenpregnancy_statebystate.html>.

¹¹⁵ "Abstinence Grants," U.S. Department of Health and Human Services web site, accessed 7 October 2011, <http://www.hhs.gov/news/press/2010pres/09/teenpregnancy_abstinencegrants.html>.

¹¹⁶ "Fast Facts," Oswego Community Unit School District 308, accessed 31 October 2011, <http://www.oswego308.org/assets/5/about_district_308/districtfastfacts.pdf>.

¹¹⁷ Steven Jack, "School Board Hears Proposed Changes to Sex Ed," *Montgomery Patch*, 12 October 2011, accessed 14 October 2011, <<http://montgomery.patch.com/articles/school-board-hears-proposed-changes-to-sex-ed>>.

the parents to talk to their children about their values, their morals, and their religion in the home."¹¹⁸

Before the 2011-12 school year was halfway over, the school board voted 5-2 in favor of adding instruction on condoms and contraception starting in grade 9. This made Oswego the last school district in the state's Fox River Valley – a region of over 1 million residents – to abandon abstinence-only-until-marriage programs in its public schools.¹¹⁹

Speaking in favor of the majority, school board president Bill Walsh said, “[Students are] asking questions [that health teachers] can’t answer. What I look at is the need for information...I think it’s a matter of getting information to students so they can ask more questions, talk to their parents and make their own decisions. Without that information they’re going to make decisions on false information from their friends or something they pick up on TV. At least the district is giving them the correct information.”¹²⁰

Sexual Orientation & Gender Variance – Opposition Won’t Ask, Will Tell

As in past years, some of the most common causes of controversy were linked to the acknowledgement and affirmation of sexual orientations beyond heterosexuality, and gender variance beyond the male/female binary. In several states and local school districts, opponents of comprehensive sexuality education worked overtime to discourage the open expression of knowledge, attitudes, or behaviors inclusive of lesbian, gay, bisexual or transgender people.

In **Chicago**, State Representative Kelly Cassidy stood among champions of a bill to require all Illinois public school districts to teach medically-accurate information about contraception if they provide any sexuality education.¹²¹ Her role as a co-sponsor of HB 3027 ignited a new round of conservative objections to the bill, with opponents specifically targeting the Democrat’s sexual orientation.

¹¹⁸ Lyle R. Rolfe, “New Sex Ed Curriculum Presented to School Board,” *Ledger-Sentinel*, 13 October 2011, accessed 31 October 2011, <<http://www.ledgersentinel.com/article.asp?a=9935>>.

¹¹⁹ Jenette Sturges, “Oswego High Schoolers to Get Birth Control Lessons.” *BeaconNewsSunTimes.com*, 27 November 2011, Accessed 18 June 2012, <<http://beaconnews.suntimes.com/news/schools/9001895-418/oswego-high-schoolers-to-get-birth-control-lessons.html>>.

¹²⁰ *Ibid.*

¹²¹ Kate Sosin, “State House Bill Aims to Promote Sex Education,” *Windy City Times*, 21 December 2011, accessed 17 January 2012, <http://www.windycitymediagroup.com/gay/lesbian/news/ARTICLE.php?AID=35328&utm_source=General+Email+list+for+Weekly+Updates&utm_campaign=481eca59cf-January+5+2012+weekly+update&utm_medium=email>.

Existing state sex education law is a jumble of provisions dating from as far back as 1961 and continuing up through the early 1990s when the HIV epidemic demanded updates to the school code. Illinois public schools are not required to teach sexuality topics, but those that do provide sexuality education must emphasize that, “abstinence is the expected norm in that abstinence from sexual intercourse is the only protection that is 100% effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome when transmitted sexually.” The code also requires that schools teach “honor and respect for monogamous heterosexual marriage.” What the code calls ‘family life’ instruction, if offered in grades 6-12, currently must include “instruction on the prevention, transmission and spread of AIDS.”¹²²

HB 3027 originated at the start of 2011 and by summer 2012 remained in committee after numerous motions and amendments.¹²³ The bill proposes updates to several aspects of the state education code, and would require only that schools choosing to teach about sexuality provide medically-accurate information on contraception, keeping the grades 6-12 framework from the current code.

Prior to Cassidy’s co-sponsorship, chief sponsors Camille Lilly (House) and Heather Steans (Senate) came under fire from conservative critics for allegedly championing the “homosexuality-affirming elements of typical ‘comprehensive’ sex ed curricula that homosexual activists and their legislative allies hope Illinoisans won’t notice before the law is passed.”¹²⁴ The latest round of conservative objections to HB 3027 focused on the role of Cassidy, whom the Illinois Family Institute cites as a “lesbian activist” working to legalize same-sex marriage.¹²⁵

In **Minnesota**, the state’s largest school district continued to grapple with how best to address sexual orientation in school settings, two years after community stakeholders first began to argue

¹²² Illinois General Assembly web site, “Illinois Compiled Statutes (105 ILCS 5/27-9.1) from Ch. 122, par. 27-9.1, Sec. 27-9.1. Sex Education,” accessed 20 January 2012, <<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+27&ActID=1005&ChapterID=17&SeqStart=157200000&SeqEnd=164000000>>.

¹²³ Illinois General Assembly web site, “Bill Status of HB3027,” accessed 23 August 2012, <<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3027&GAID=11&DocTypeID=HB&SessionID=84&GA=97>>.

¹²⁴ Illinois Family Institute, “Sex Ed Bill Puts Ideology over Research,” *Illinois Review*, 8 November 2011, accessed 20 January 2012, <<http://illinoisreview.typepad.com/illinoisreview/2011/11/sex-ed-bill-puts-ideology-over-research.html?cid=6a00d834515c5469e2015392e531a9970b>>.

¹²⁵ David E. Smith, “Homosexual Activists Already Planning for Same-Sex Marriage Push,” *Illinois Family Institute News & Opinion*, 12 January 2012, accessed 17 January 2012, <<http://illinoisfamily.org/homosexuality/homosexual-activists-already-planning-for-same-sex-marriage-push/>>.

over Anoka-Hennepin school system's so-called 'sexual orientation curriculum policy.' At least two lawsuits were filed on students' behalf, challenging the existing policy which required teachers to remain 'neutral' on matters pertaining to sexual orientation. Plaintiffs were represented by the Southern Poverty Law Center and the National Center for Lesbian Rights.

Located close to Minneapolis/St. Paul, the Anoka-Hennepin School District covers two counties and 13 municipalities, enrolling over 40,000 students from Andover, Anoka, Blaine, Brooklyn Park, Coon Rapids, Oak Grove and several other communities.

The plaintiffs and other anti-bullying advocates had criticized the 'neutrality' policy for its potential to silence teachers and other bystanders in situations where LGBTQ students (or students perceived as such) might be verbally harassed. Conservative groups such as the local Parents Action League insisted that the policy stay in effect.

At a late January 2011 school board meeting, a "Respectful Learning Environment Curriculum" was placed on the agenda. The proposal advised teachers not to remain silent on sexual orientation or other contentious issues, but rather to "not persuade" students one way or another during instructional lessons that involve controversial topics. While this proposal gained support from one set of LGBTQ advocates known as the Gay Equity Team, other allies of LGBTQ youth maintained that no policy was necessary, especially for instructors of health or civics lessons in which sexual orientation was likely to be discussed. The district teachers union, for one, preferred no policy to any of the approaches that attempted to guide instructors.

The opposition was vehement in its defense of 'neutrality.' One parent attending the January meeting, Rebecca Vahdat, urged teachers to continue maintaining silence on sexual orientation: "We send our kids to school to help them learn to read, write, do math, science, not to have lessons on homosexuality woven into the classroom curricula."¹²⁶ Laurie Thompson of the Parents Action League concurred: "Our primary concern is keeping the teaching and celebration of homosexuality and other unhealthy behaviors out of the K-12 curriculum."¹²⁷

Within a month, the school board voted 5-1 in favor of scrapping 'neutrality.' In a final 90-minute forum to air stakeholders' concerns, 13 people spoke in favor of change and 12 spoke to maintain the existing policy. The change met at least some of the demands in plaintiff's lawsuits: in a statement celebrating the outcome, the Southern Poverty Law Center and National Center for Lesbian Rights declared, "Today is the first day in nearly 18 years that Minnesota's Anoka-

¹²⁶ Tom Weber, "Anoka-Hennepin Tries Again on Sexual Orientation Policy," *Minnesota Public Radio News*, 24 January 2012, accessed 2 February 2012, <<http://minnesota.publicradio.org/display/web/2012/01/24/anoka-hennepin-sexual-orientation/>>.

¹²⁷ Sarah Horner, "Anoka-Hennepin Schools' New Sexual-Orientation Discussion Policy Gains Support," *TwinCities.com*, 28 January 2012, accessed 2 February 2012, <http://www.twincities.com/localnews/ci_19838106>.

Hennepin School District no longer has a harmful policy that singles out lesbian, gay, bisexual, and transgender students."¹²⁸

The 'ex-gay' phenomenon took center stage in **Maryland** in early 2012, when the Montgomery County School District found itself confronting controversy over the distribution of flyers by the group known as Parents and Friends of Ex-Gays and Gays (PFOX).

PFOX has claimed to spread awareness and support for people who experience same-gender attractions but desire a heterosexual identity. Groups such as PFOX describe this as being "ex-gay," in direct challenge to advocates for lesbian, gay, bisexual, and questioning (LGBQ) youth who view sexual orientation as a relatively fixed aspect of human identity.

After PFOX distributed 8,000 recruitment flyers to five Montgomery County middle and high schools, many LGBQ youth, their parents, and allies protested that the group's message was inappropriate for teens. Karen Yount-Merrell, a mother of a student who received a flyer, said that the PFOX message was bad because it "targets teens that are questioning their orientation."¹²⁹

At a town hall meeting, Montgomery County School District Superintendent Joshua Starr took a public stand against the PFOX message. According to PFOX Board Member Peter Sprigg, Starr used to the terms, "reprehensible...deplorable...disgusting," to describe the flyers distributed by the organization.¹³⁰ But Sprigg and PFOX Executive Director Regina Griggs insisted that their message was not homophobic. The flyers were "simply designed to give information, particularly to those students who may feel a certain amount of confusion about their sexual feelings," says Sprigg. Griggs added that many LGBQ-activist groups wished to silence PFOX, thereby perpetuating the very intolerance they claimed to oppose.¹³¹

After PFOX filed a formal complaint against Superintendent Starr to the local board of education, the board began to consider abolishing the flyer program altogether; according to a Montgomery County School District spokesperson, nonprofit organizations like PFOX have had longstanding legal rights to circulate information, and were authorized to distribute flyers up to

¹²⁸ Maria Elena Baca, "Anoka-Hennepin School Board Votes to Replace Neutrality Policy," *StarTribune*, 14 February 2012, accessed 25 June 2012, <<http://www.startribune.com/printarticle/?id=139244228#>>.

¹²⁹ NBC Washington, "Ex-Gay Flyer Distributed at Montgomery County Schools," *NBC Washington*, 7 February 2012, accessed 7 June 2012, <<http://www.nbcwashington.com/news/local/Ex-Gay-Flier-Distributed-at-Montgomery-County-Schools-138840674.html>>.

¹³⁰ Bob Kellogg, "Ex-'gay' Flyers Not to Superintendent's Liking," *OneNewsNow*, 21 May 2012, accessed 7 June 2012, <<http://www.onenewsnow.com/Education/Default.aspx?id=1601780>>.

¹³¹ Jim Brown, "PFOX Official: Homosexual Activists Want to Censor Ex-'Gay' Message," *American Family Radio News Re-print*, PFOX.org website, 16 November 2006, accessed 7 June 2012, <http://pfox.org/Calling_ex-gays_distribute_flyers_public_schools.html>.

four times a year. However, the policy required a disclaimer stating that the sponsor's views did not represent the School District of Montgomery County.

Sprigg urged the board to preserve the flyer program: "Ironically they're prepared to abolish this program altogether...in order to stifle our message of freedom and self-determination."¹³² By summer 2012, the board had voted 6-1 against keeping the policy. Going forward, non-profits may distribute fliers only in district elementary schools. For middle and high schools, only government entities will have permission to use the schools for distribution of community information.

While the decision was a setback for the local 'ex-gay' movement, the Metro DC chapter of Parents and Friends of Lesbians and Gays (PFLAG) endorsed the change. "Given the state of the law," noted PFLAG advocacy chair David Fishback, "the only way the board could prevent this really pernicious material was by ending the distribution program at the secondary level."¹³³

A primary school in **Michigan** became the locus of subtle homophobia when a music teacher at Cherry Knoll Elementary School in Traverse City altered the lyrics of "Deck the Halls" to remove the word 'gay.' During rehearsals for the school's Christmas concert, students giggled at the lyric "Don we now our gay apparel," prompting the teacher to issue censored song sheets.

The revision, "Don we now our *bright* apparel," did not pass muster with school administration; the original lyrics were restored at the order of Cherry Knoll principal Chris Parker following complaints from parents. "I had not heard of the substitution of the word 'bright' before in that song," Parker told local news source WPBN. "It sort of caught me by surprise."¹³⁴

Parker noted that the teacher should have addressed the situation as a teachable moment: "We have an anti-bullying and discrimination policy that includes sexual orientation and so going forward the teacher will be addressing this is how we're supposed to be reacting, this is the way to be respectful about this."¹³⁵

¹³² Kellogg, "Ex-'gay' Flyers..."

¹³³ John Riley, "Montgomery Co. Fliers Nixed," *MetroWeekly.com*, 28 June 2012, accessed 23 August 2012, <<http://www.metroweekly.com/news/?ak=7516>>.

¹³⁴ "MI Teacher Removes 'Gay' from Christmas Carol," *News 14 WPBN.com*, 6 December 2011, accessed 21 December 2011, <<http://www.14news.com/story/16201311/mi-teacher?clienttype=printable>>.

¹³⁵ Danny Heffernan, "Story to Watch: Music Teacher Removes Word 'Gay' From Christmas Carol," Gay & Lesbian Alliance Against Defamation *GLAAD Blog*, 6 December 2011, accessed 4 January 2012, <<http://www.glaad.org/blog/story-watch-music-teacher-removes-word-gay-christmas-carol>>.

Apparel was at the heart of a controversy in **Washington State's** Evergreen School District in Vancouver, which was roiled by the visibility of a “cross-dressing” substitute 6th-grade Humanities teacher at Wy'East Middle School. The male teacher reported for work in capri pants, to the consternation of some students and parents. This was not the first time the substitute has worked for Evergreen, having taught 19 previous times at over a dozen different district schools. The situation appeared to generate media attention only because some students in the Wy'East humanities class taunted the teacher and disrupted the learning environment. Many students did not view the teacher's attire as a problem. "It just kind of makes me mad that people would make fun of someone just for being different," sixth grade student Kelli English said.¹³⁶

School administrators removed the disruptive students and allowed class to continue as normal. The school district released a statement affirming its protection of gender expression, and stressing that its priority is to ensure that instruction occurs as planned.¹³⁷

Some parents expressed displeasure that the male teacher was not reprimanded for wearing what many view as “female” clothing. However, the opposition paled in comparison to the outside local media coverage. “I'm aware of only one call to the district office,” noted Evergreen District spokesperson Carol Fenstermacher. The caller “just wanted to let us know her opinion — which was she was unhappy about it.”¹³⁸ In addition the Wy'East school office received complaints from only two parents

In **Wisconsin**, the Shawano School District in the state's northeastern region was confronted with the fallout of a controversial student column in a high school newspaper. The topic: same-sex couples as parents. A local gay male couple with school-age children expressed alarm about passages in the *Hawks Post* piece that cited Bible verses alleging homosexuality a sin punishable by death.^{139,140} The parent who raised concerns about the anti-gay piece, Nick Uttecht, was raising four children with partner Michael McNelly.

¹³⁶ “Cross-dressing Sub Creates Middle School Controversy,” *WNEM.com*, 5 November 2011, accessed 21 November 2011, <<http://www.wnem.com/story/15903672/cross-dressing-sub-creates-buzz-on-middle-school-campus>>.

¹³⁷ “Cross-dressing Teacher a Sub in NW School District,” *WKATU.com*, 29 October 2011, accessed 21 November 2011, <<http://www.kval.com/news/local/132790468.html>>.

¹³⁸ Tom Vogt, “Law Protects Cross-dressing Teacher,” *The Columbian*, 28 October 2011, accessed 28 November 2011, <<http://www.columbian.com/news/2011/oct/28/law-protects-cross-dressing-teacher/>>.

¹³⁹ Patti Zarling, “High School Newspaper Column Sparks Controversy,” *USAToday.com*, 15 January 2012, accessed 18 January 2012, <<http://www.usatoday.com/news/nation/story/2012-01-15/gay-parenting-shawano/52567228/1>>.

¹⁴⁰ Patti Zarling, “Gay Debate Hits Home in Shawano,” *GreenbayPressGazette.com*, 15 January 2012, accessed 18 January 2012,

To quote the student columnist: "If one is a practicing Christian, Jesus states in the Bible that homosexuality is [a] detestable act and sin which makes adopting wrong for homosexuals because you would be raising the child in a sin-filled environment...In a Christian society, allowing homosexual couples to adopt is an abomination."¹⁴¹

The paper also included an opposing viewpoint from a student columnist who argued that sexual orientation does not determine a person's ability to be an effective parent.

Superintendent Todd Carlson issued an apology, assuring the Shawano community that the district would work harder to prevent offensive or disrespectful items from appearing in future issues of the student paper. He characterized the piece as a form of bullying.

Some conservatives denounced Carlson's apology, arguing that the column was not a form of anti-gay bullying. Writing for the conservative national publication *Human Events*, John Hayward said, "the young author's work is being twisted and misrepresented to fit him into the 'bullying' crusade, so the cowards involved can climb on their high horses and pretend to be oh-so-enlightened about it."¹⁴² Hayward alleged that the district was suppressing religious expression by taking action to address Uttech's concerns.

In the wake of the controversy, the Shawano School Board postponed discussion of the matter under advisement from its legal counsel. Although the school administration removed the anti-gay article (and the opposing viewpoint) before the student newspaper was distributed within the school, both opinion pieces were already in circulation on the web.¹⁴³

School newspapers also became the source of controversy at a convention of the National Scholastic Press Association (NSPA).¹⁴⁴ NSPA represents secondary school publications such as student newspapers, whose viewpoints matter for school-based sexuality education.

<<http://www.greenbaypressgazette.com/article/20120115/GPG0101/201150609/Gay-debate-hits-home-Shawano>>.

¹⁴¹ Ibid.

¹⁴² John Hayward, "High School Newspaper Column Opposing Gay Adoption Censored As 'Bullying'," *Human Events*, 18 January 2012, accessed 19 January 2012, <<http://www.humanevents.com/article.php?id=48872>>.

¹⁴³ Tiffany Wilbert, "District struggling with fallout from student's article: Board delays discussing controversy," 1 February 2012, accessed 22 June 2012, <<http://www.shawanoleader.com/main.asp?TypeID=1&ArticleID=30378&SectionID=2&SubSectionID=27&Page=2>>.

¹⁴⁴ Web site, National Scholastic Press Association: <<http://www.studentpress.org/nspa/>>.

Anti-bullying and gay rights activist Dan Savage was the keynote speaker for the 2012 NSPA convention in **Seattle**, and his remarks on sexuality prompted a walkout by some conservative student journalists. Known for his blunt statements regarding right-wing policies and conservative beliefs, Savage told the assembly that people should “ignore the bulls**t in the Bible” regarding sexual orientation, since many of them already ignore Biblical rules surrounding shellfish consumption or wearing different types of fabric simultaneously. Several students expressed their opposition by exiting in the midst of his remarks.¹⁴⁵

This incident was not the first encounter Savage has had with controversy and opposition. The Parents Television Council (PTC), which evaluates television programs to determine their effect on children and teens, has long criticized Savage’s own *Savage U* television series for its content. The show follows a question-and-answer format, and includes visits to college campuses where Savage talks graphically with students about many sexuality topics – causing the PTC to condemn the show as a “campaign to promote promiscuity on college campuses.”¹⁴⁶

The Seattle incident did not end with the statement and a simple walk-out. As students exited the room, Savage continued to escalate tensions by observing, “It’s funny, as someone who’s on the receiving end of beatings that are justified by the Bible, how pansy-a**ed some people react when you push back.” This antagonized many more in the audience; conservative attorney and columnist Matt Barber did not hesitate in giving his opinion on the outcry. “Never again will this guy be taken seriously as an anti-bullying crusader...Savage launched into an unhinged anti-Christian diatribe [at the convention].”¹⁴⁷

Although he later apologized for his bluntness at the assembly, Savage maintained that he stands by his message: that he was criticizing not Christianity, but the hypocrisy of those who use the Bible as evidence for certain beliefs and not others.

¹⁴⁵ Sheila Marikar, “Dan Savage Accused of Bullying, Promoting Promiscuity,” *ABC News*, 1 May 2012, accessed 19 June 2012, <<http://abcnews.go.com/blogs/entertainment/2012/05/dan-savage-accused-of-bullying-promoting-promiscuity/>>.

¹⁴⁶ Kim LaCapria, “Dan Savage’s ‘Anti-Christian’ Comments Draw Ire of Censorship Groups, Is Accused of Bullying,” *FortyTwoTimes*, 30 April 2012, accessed 19 June 2012, <<http://www.fortytwotimes.com/2935/dan-savages-anti-christian-comments-draw-ire-of-censorship-groups-is-accused-of-bullying/>>.

¹⁴⁷ Mark Kernes, “Wingers Target the Only REAL Sex Education Series on TV,” *AVN*, 15 June 2012, accessed 19 June 2012, <<http://news.avn.com/articles/Wingers-Target-the-Only-REAL-Sex-Education-Series-on-TV-478639.html>>.

Controversy around LGBTQ bullying-prevention efforts helped to propel measures affecting sexuality education in **Tennessee**. Legislation introduced in the Tennessee General Assembly challenged public school anti-bullying policies and programs on the basis that these infringe upon religious expression. Senate Bill 0760 and House Bill 1153 were introduced at the behest of the Family Action Council of Tennessee (FACT), to propose that “bullying prevention task forces, programs, and other initiatives formed by school districts, including any curriculum adopted for such purposes, shall not include materials or training that explicitly or implicitly promote a political agenda...or teach or suggest that certain beliefs or viewpoints are discriminatory when an act or practice based on such belief or viewpoint is not a discriminatory practice as defined [by state law].”¹⁴⁸

A summary of the bill noted that, “Under present human rights law, a ‘discriminatory practice’ is any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person because of race, creed, color, religion, sex, age or national origin.”¹⁴⁹ Because Tennessee law has not included sexual orientation or gender identity among the protected criteria, the FACT bill would ensure that verbal harassment of LGBTQ students and school personnel would be protected as an expression of religious faith.

Among those opposing the measure, the Tennessee Equality Project raised concerns that “this kind of legislation can send a message that it’s ok to hate and we’ll even give you religious sanction for it...as long as you’ve got religious reasons for it, you’ve got backup,” in the words of TEP president Chris Sanders.¹⁵⁰ The bill was eventually withdrawn but by framing the debate in terms of ‘religious freedom’ the argument advanced a line of attack favorable to opponents of factual, inclusive education about sexual orientation.¹⁵¹

¹⁴⁸ Jillian Rayfield, “Tennessee Bill Would Give Anti-Bullying Laws A ‘Religious And Political Beliefs’ Loophole,” *TalkingPointsMemo.com*, 4 January 21012, accessed 17 January 2012, <http://tpmmuckraker.talkingpointsmemo.com/2012/01/tn_bill_would_give_anti-bullying_laws_a_religious.php>.

¹⁴⁹ “Bill Summary, *SB 0760 by *Tracy. (HB 1153 by *Dennis.),” Tennessee General Assembly web site, accessed 18 January 2012, <<http://wapp.capitol.tn.gov/apps/billinfo/BillSummaryArchive.aspx?BillNumber=SB0760&ga=107>>.

¹⁵⁰ Janice Harper, “With God on Their Side: The Tennessee Pro-Bully Bill,” *HuffingtonPost.com*, 5 January 2012, accessed 17 January 2012, <http://www.huffingtonpost.com/janice-harper/tennessee-pro-bully-bill_b_1187276.html>.

¹⁵¹ FACT, “Anti-bullying Bill: Protecting Students/Protecting Rights,” accessed 22 June 2012, <<http://factn.org/portfolio/education-5/>>.

FACT was also behind the introduction of bills (HB 1352/SB 1305) empowering parents to sue teachers who teach sexuality topics other than abstinence-only.¹⁵² This aspect of the opposition's war on sexuality education finally bore fruit in May 2012, when Governor Bill Haslam signed HB 3621/SB 3310 into law, amending the state's mandate for abstinence-only-until-marriage family life education to include a prohibition on any instruction that promotes "gateway sexual activity."¹⁵³ Teachers found to be in violation would face a civil fine, and could be obligated to pay damages to a parent/guardian.

Supporters of the new law defended the vague notion of 'gateway sexual activities' with little concern that the language has the potential to equate kissing and hugging with criminal activities akin to the use of illegal drugs. State Representative John DeBerry, Democrat of Memphis, insisted that "Everybody knows there are certain buttons when you push them, certain switches when you turn them on, there's no stopping, especially for undisciplined, untrained, untaught and unraised (*sic*) children who just want to feel affection from somebody or anybody."¹⁵⁴ With the law in place for the 2012-13 school year, it remains to be seen how local school districts will cope with state-sanctioned threats of lawsuits against sexuality education instructors.

All Things Are Possible

Ohio stood out in 2011-12 for representing both the best and worst conditions under which advocates for comprehensive sexuality education pursued their vision. The state motto, "With God, All Things Are Possible," was adopted in 1959 at the height of the Cold War and has been challenged by advocates for separation of church and state.¹⁵⁵ This longstanding source of dispute is a reminder of the diverse, conflicting social and political constituencies in the Buckeye State. The 2011-12 school year in Ohio showcased this diversity, with both advocates and opponents of comprehensive sexuality education making respective inroads to impact the 'hidden curriculum' of public schools.

Religious expression and school policies on clothing were in the news in Waynesville, a community of 2,500 in Warren County, when an openly gay student challenged his school

¹⁵² Rayfield, "Tennessee Bill..."

¹⁵³ Tennessee General Assembly, SB 3310, accessed 24 April 2012, <<http://wapp.capitol.tn.gov/apps/billinfo/BillSummaryArchive.aspx?BillNumber=SB3310&ga=107>>.

¹⁵⁴ Laura Matthews, "Tennessee Passes Law Against 'Gateway Sexual Activity', Critics Suspect Holding Hands Qualifies As Sex," 25 June 2012, accessed 24 August 2012, *International Business Times*, <<http://www.ibtimes.com/articles/356121/20120625/tennessee-sex-education-law-holding-hands-gateway.htm?page=all#.TWfT5mSM>>.

¹⁵⁵ Kristina Roegner, "State Motto's Interesting, Controversial History," *StowSentry.com*, 4 March 2012, accessed 24 August 2012, <<http://www.stowsentry.com/news/article/5163307>>.

district by insisting on wearing a shirt with the statement ‘Jesus is not a homophobe.’ Waynesville High School senior Maverick Couch, age 17, filed a federal lawsuit with help from Lambda Legal after being ordered to conceal the shirt’s message. He also expressed an intention to wear the shirt on April 20, 2012, observed in some communities as a Day of Silence for teens to raise awareness of homophobia through a vow of silence while in school.

Couch had worn the shirt to school the year before, during the 2011 Day of Silence, only to be ordered by principal Randy Gebhardt to wear it inside out to hide its message and logo – a fish symbol colored-in with a rainbow.¹⁵⁶

For 2012 the school district decided to allow Couch to wear the shirt only on the Day of Silence while his legal case was pending, but banned the shirt on all other days on the grounds that the shirt is “sexual in nature.”¹⁵⁷

The role of the shirt in raising awareness and sparking discussion about sexual orientation led the school district into a costly battle in U.S. district court, where Judge Michael Barrett monitored the case.¹⁵⁸ The court ultimately ruled in the student’s favor, ordering the school district to award him \$20,000 for damages and court fees. Although school administrators had nothing to say to Couch upon his victorious return to school, the student expressed relief at the verdict and hope for an improved educational climate in Waynesville: “We need to accept others how they come no matter their religion, sexual orientation, the color of their skin. Everyone is who they are. We all need to come together as a whole and accept everyone.”¹⁵⁹

Other public school districts across Ohio have made strides to address bullying with education and policy measures. A recent profile of a lesbian student in Ravenna, a community of 11,000 in Portage County, illustrates how LGBTQ youth often must cope with hostile school environments: Maddie Finn, age 18, simply focused on getting her diploma and leaving for

¹⁵⁶ “Student Sues Over ‘Jesus Not a Homophobe’ Shirt,” *Reuters.com*, 5 April 2012, accessed 11 April 2012, <<http://www.reuters.com/article/2012/04/05/tagblogsfindlawcom2012-injured-idUS198615003220120405>>.

¹⁵⁷ “Teen to Wear Shirt Amid Controversy,” *ABC2News.com*, 5 April 2012, accessed 11 April 2012, <<http://www.abc2news.com/dpp/news/national/teen-to-wear-shirt-amid-controversy>>.

¹⁵⁸ Josh Hinkle, “Judge Rules Student Can Wear ‘Jesus is not a Homophobe’ Tee,” *SheWired.com*, 6 April 2012, accessed 11 April 2012, <<http://www.shewired.com/soapbox/2012/04/06/judge-rules-student-can-wear-jesus-not-homophobe-tee>>.

¹⁵⁹ James Eng, “Teen wins right to wear ‘Jesus Is not a Homophobe’ T-shirt to school,” *MSNBC.com*, 26 June 2012, accessed 26 June 2012, <http://usnews.msnbc.msn.com/_news/2012/05/29/11939795-teen-wins-right-to-wear-jesus-is-not-a-homophobe-t-shirt-to-school?lite>.

college because, “once you graduate...you’re probably never going to see those people again. When you tune that stuff out, it makes a world of difference.”¹⁶⁰

Maddie’s example is not unusual for Ohio’s LGBTQ youth and their allies. Unless states and local school districts move affirmatively to name sexual orientation and gender identity in their anti-bullying initiatives, many youth will see ‘tuning out’ verbal and physical harassment as their only recourse.

In the southern end of the state, Cincinnati public schools seized an opportunity to make change by facilitating their high school students’ access to the recent documentary film *Bully*. The district coordinated free screenings with area theaters for its roughly 9,000 high schoolers. The film portrays five youth over the course of a year as they endure abuse from their peers and indifference from adults.¹⁶¹

District Superintendent Mary Ronan issued a statement affirming the film’s power “to make a real difference by engaging our community at all levels.”¹⁶² In addition, the district teamed with the local police department to host the city’s first annual ‘*Step Up and Stop It* Anti-Bullying Art and Creative Writing Contest.’ A video highlighting the contest was posted to the school district’s ‘I am CPS’ web site.¹⁶³

Although the film screening and art contest had potential to change norms around sexuality-related bullying behaviors in Cincinnati schools, the question remains to what degree school stakeholders will follow-up with sustainable advances in policy and curriculum. For example, the art contest video never named the specific causes of bullying behaviors, which so often occur because the target is (or is perceived to be) a sexual minority: lesbian, gay, bisexual, transgender, or questioning.

In Ohio’s northeast, Cleveland has long been viewed as a success story by advocates of comprehensive sexuality education. In 2006 the Cleveland Metropolitan School District, with support from the local teachers’ union, launched a K-12 Responsible Sexual Behavior

¹⁶⁰ Matthew Lewison, “Ohio Schools Fight Against Bullies,” *Ohiofusion.com*, 10 April 2012, accessed 17 April 2012, <<http://www.ohiofusion.com/?p=9297>>.

¹⁶¹ “Ohio School District Has Teens Watch ‘Bully’ Film,” *Ohio.com*, 14 May 2012, accessed 17 May 2012, <<http://www.ohio.com/news/break-news/ohio-school-district-has-teens-watch-bully-film-1.306951>>.

¹⁶² Lisa Cornwell. “Thousands of Cincinnati Students to See ‘Bully; Movie in Project to Make Schools Safer,” *TheRepublic.com*, 14 May 2012, accessed 18 May 2012, <<http://www.therepublic.com/view/story/8ecab2b6bfcf4af391b6cbc98192e2d3/OH--Bullying-Cincinnati-Schools/>>.

¹⁶³ Cincinnati Public Schools *I Am CPS* web site, accessed 18 May 2012, <<http://www.iamcps.org/>>.

curriculum to improve medical accuracy and inclusiveness in the sexual health curriculum, and the local Collaborative for Comprehensive School-Age Health has been a significant stakeholder in sustaining these gains.¹⁶⁴

Yet, even in a large urban school district where comprehensive approaches have been embraced, challenges abound. In July 2012, local *Plain Dealer* opinion columnist Margaret Bernstein covered a True Love Waits sexual purity rally led by local youth minister Gail Reece:

“[the] rallies in downtown Cleveland draw hundreds of youngsters each year from Cuyahoga and surrounding counties. Reese, described by one friend as ‘a little woman with a huge message,’ estimates that 1,000 young people have signed her pledge cards, promising to refrain from sex until marriage...Slowly her message is spreading. Some teens have launched True Love Waits initiatives at Maple Heights and Cleveland Heights high schools as well as Whitney Young School in Cleveland.”¹⁶⁵

Bernstein’s praise for purity pledges was met with numerous critical comments by readers. In a subsequent column she reflected on the controversy surrounding abstinence-only-until-marriage programs and noted that the evidence of effectiveness was not impressive: “When it comes to effectiveness, a comprehensive emphasis on safe sex, contraception and abstinence has long been known to have a lower failure rate than the abstinence-only approach.”¹⁶⁶ With opinion-shapers such as Bernstein raising the visibility of programs such as True Love Waits, albeit with reservations, progressive advocates such as the Collaborative for Comprehensive School-Age Health may find it hard to rest despite their impressive policy victories.

For Ohio and other states, the arrival of the new *National Sexuality Education Standards* has created an opportunity for public school districts to re-visit their current sexuality education policies and practices. Ohio’s *Columbus Dispatch* noted in January 2012 that “Ohio doesn’t plan to follow the recommendations” in terms of state-level action; yet some local Ohio districts are ahead of the state government in terms of readiness to teach about sexuality, including sexuality-related bullying. To quote Eydie Schilling, executive director of learning and teaching for the

¹⁶⁴ Collaborative for Comprehensive School-Age Health web site, accessed 24 August 2012, <<http://www.ccsah.org/>>.

¹⁶⁵ Margaret Bernstein, “Gail Reese's Message of Sexual Purity for Youths Is Making Big Ripples,” *Cleveland.com*, 5 July 2012, accessed 24 August 2012, <http://www.cleveland.com/bernstein/index.ssf/2012/07/gail_reeses_message_of_sexual.html>.

¹⁶⁶ Margaret Bernstein, “Time to Edify Ourselves about Whether Abstinence-Only Sex Education Works,” *Cleveland.com*, 8 July 2012, accessed 24 August 2012, <http://www.cleveland.com/bernstein/index.ssf/2012/07/time_for_some_better_education.html>.

Dublin City Schools in central Ohio, “If Ohio would ever adopt [standards], we would immediately put them into effect.”¹⁶⁷

Conclusion: Back to the Future

While the 2011-12 school year was one of standoffs in which community-level victories (Shenendehowa Central Schools, NY; Midland, TX) were offset by state-level setbacks (Wisconsin; Tennessee), advocates for comprehensive sexuality education worked tirelessly across the U.S. to defend and sustain best practices in policy, programming, and access to educational resources. As in past years, youth leaders stood up for access to information and education about human sexuality in venues as diverse as school health classes, school libraries, school plays, college campuses, and on the web. The ‘hidden curriculum’ outside of health class proved in many ways to be the scene of the year’s most intense struggles over sexuality education. But with new *National Sexuality Education Standards* to support them, school stakeholders can move forward by considering their schools’ *whole* curriculum when planning learning opportunities to guide young people toward a sexually healthy adulthood.

SIECUS applauds the work of youth advocates and their adult allies and will support them in their efforts to break through the standoffs and raise the bar for better sexuality education in the coming year.

¹⁶⁷ Pat Holmes, “Ohio Still Leaves Sexual Education to Each District, *Columbus Dispatch* online, 29 January 2012, accessed 17 May 2012, <<http://www.dispatch.com/content/stories/local/2012/01/29/ohio-still-leaves-sexual-education-to-each-district.html>>.