

Sexuality Education Advocates Lament Loss of Virginia's Mandate...Or Do They?

By Rebekah Saul

An intensive effort to reinstate Virginia's policy mandating sexuality education in the public schools came to a screeching halt on April 22 when the legislature failed to override Gov. James Gilmore's (R) veto of the legislation. Gilmore's veto came despite the last-minute adoption of an amendment, sponsored by an ultraconservative representative, that would have required all family life education (FLE) in the state to "present sexual abstinence before marriage and fidelity within monogamous marriage as moral obligations and not matters of personal opinion or personal choice."

The abstinence provision notwithstanding, conservative "profamily" groups celebrated the mandate's demise, while reproductive rights advocates—at least at first blush—considered the veto a defeat for their cause. On reflection, however, sexuality education advocates report mixed, and contradictory, feelings about the relative good of the FLE bill in light of the abstinence amendment. Though advocates have strongly endorsed statewide mandates over the last two decades as a means of validating sexuality education's place in public schools, the abstinence promotion movement may be changing the calculation.

Indeed, the Virginia case points up an eternally vexing question for those who work in the political process: How much compromise is too much? Or, in this case, is a half-bad sexuality education mandate really better than no mandate at all?

Sex Ed Mandates Popular

For decades, policymakers, educators, parents, public health advocates and citizens' groups argued over whether sexuality education should be provided in the public schools. In the 1980s, however, the advent of AIDS significantly changed the debate; in the face of the deadly epidemic, political moderates and even conservatives came forward to support school-based sexuality education. Among them was then-Surgeon General C. Everett Koop who, in his 1986 report on AIDS, stated, "There is now no doubt that we need sex education in schools and that it [should] include information on heterosexual and homosexual relationships....The lives of our young people depend on fulfilling our responsibility."

This new, broad-based support for AIDS and sexuality education paved the way for state policies—in the form of statutes, school board policies and department of education regulations—mandating that such education be provided in schools. In 1980, only three states required school-based sexuality education; by 1997, according to the National Abortion and Reproductive Rights Action League, 19 states required sexuality education and education on sexually transmitted diseases (STD), including HIV, in schools, with 16 more mandating STD/HIV education while not specifically requiring sexuality education *per se* (see box).

In line with this national trend, Virginia's state board of education in 1988 issued regulations mandating that all local school boards provide

"comprehensive, sequential family life education" for grades K–12, including age-appropriate instruction on family living and community relationships; the value of postponing sexual activity; human sexuality; human reproduction; the prevention and effects of STDs; and mechanisms for coping with peer pressure. At its inception, Virginia's mandate, like those in other states, was seen as an assurance that schools would teach something approaching "comprehensive" sexuality education—including not only instruction on abstinence, but also education about disease and pregnancy prevention, as well as decisionmaking skills.

In September 1997, Virginia's conservative state school board—whose members had been appointed by then-Governor George Allen (R)—moved to repeal Virginia's FLE mandate, purportedly in order to give localities more "flexibility." The school board's decision drew quick and vocal public protest, and only a few months later the legislature

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responded with an effort to restore the old mandate, this time in the form of a statute. The 1998 FLE legislation, which largely mirrored Virginia's former policy, was backed at every turn by a sound majority in both the House and Senate.

With only three days to go before the legislature's projected close, a "profamily" legislator in a surprise move offered up the amendment requiring that all FLE in the state teach that abstinence before marriage and fidelity within monogamous marriage are "moral obligations and not matters of personal opinion or personal choice." While a cadre of Democrats in the House of Delegates—including one of the legislation's sponsors Del.

19 STATES REQUIRE SEXUALITY AND STD/HIV EDUCATION	16 OTHERS REQUIRE STD/HIV EDUCATION ONLY
ALABAMA	CALIFORNIA
ARKANSAS	CONNECTICUT
DELAWARE	FLORIDA
GEORGIA	IDAHO
HAWAII	INDIANA
ILLINOIS	MICHIGAN
IOWA	MISSOURI
KANSAS	NEW HAMPSHIRE
MARYLAND	NEW MEXICO
MINNESOTA	NEW YORK
NEVADA	OHIO
NEW JERSEY	OKLAHOMA
NORTH CAROLINA	OREGON
RHODE ISLAND	PENNSYLVANIA
SOUTH CAROLINA	WASHINGTON
TENNESSEE	WISCONSIN
UTAH	
VERMONT	
WEST VIRGINIA	

Source: NARAL

Alan Diamonstein (D)—voted against the amendment (which passed by a vote of 71-22), they voted for the final bill. They apparently hoped, in Diamonstein’s words, that the new language, while having little or no practical effect, would make the bill (politically) “stronger.” Ultimately, the added language did bring a few conservatives along, but it failed to win over the new governor, who aligned himself on this issue with ultraconservatives opposed to sexuality education mandates in any form.

A Rock and a Hard Place

The last-minute addition of the abstinence language into the Virginia bill highlights the extent to which abstinence promotion has come to dominate the sexuality education debate—and the dilemma this presents for sexuality education proponents. Teaching the benefits of delaying intercourse has long been a core component of mainstream sexuality education. However, more recently, “abstinence education” has come to be seen, at least by conservative activists, as a means for greatly diminishing—or even wholly blocking—the provision of information on

contraception, disease prevention and sexual orientation.

This puts advocates working toward comprehensive sexuality education in a difficult situation. Brenda Davis, Northern Virginia public affairs coordinator for Planned Parenthood of Metropolitan Washington (PPMW), was actively involved in the effort to reinstate FLE in Virginia. When asked about the addition to the bill of the abstinence language, Davis responded that she did worry about its potential legal implications. “It occurred to me that the [sponsors of the amendment] may have been looking for a basis for future legal challenges.”

Nevertheless, despite Davis’s and others’ concerns, PPMW, along with other prochoice advocacy groups in the state, supported the final bill, banking on the hope that the practical impact of the abstinence amendment would be minimal. Without the mandate, Davis feared, “school boards struggling fiscally might just cancel the program altogether.” Weighing both sides in the heat of the legislative moment, Davis and others working in the state decided that a FLE mandate with the abstinence language was better than no mandate at all.

Reflecting on the dilemma in hindsight, others are not so sure. Michael McGee, vice president for education of Planned Parenthood Federation of America, says, “I would rather have no mandate at all than have that law....Bad sexuality education does more harm than good.” McGee stressed that such language aims to shift the emphasis of sexuality education away from health. “I wonder what the goal of sexuality education becomes....The bottom line [for me] is, is it good for the kids?... If the goal is to implement a state religion, sexuality education is not the place.”

Jerald Newberry, executive director of the Health Information Network of the National Education Association and former coordinator

of family life education for the Fairfax, Virginia, public schools, agrees that Virginia is better off without the failed measure. Newberry echoes Davis’s concerns that the abstinence language, if enacted, could have had significant legal implications. “Adding language like that to a mandate is establishing grounds for a lawsuit,” Newberry says, pointing out that if a teacher does anything that could be interpreted as contradicting the statute, a parent could seek legal recourse. Furthermore, stresses Newberry, “If you have a bad mandate, you restrict progressive school districts from providing good programs.”

For their part, “profamily” groups in the state apparently decided that, even with the abstinence language authored by one of their own, no sexuality education is better—from their perspective, too—than a half good/half bad law. On its Web site, the Virginia-based antichoice, anti-homosexual Family Foundation protested the bill even after the amendment’s adoption, stating, “although the House added an amendment that requires abstinence be taught as a moral imperative, there is no need to mandate these controversial, non-academic programs in our schools.”

PPMW’s Davis characterizes sexuality education advocates in her state as “caught between a rock and a hard place.” This could well sum up the position of sexuality education advocates across the country. With the spread of HIV among adolescents continuing and teen pregnancy rates in the U.S. remaining among the highest in the industrialized world, the responsibility to provide comprehensive sexuality education remains intense. Yet, a mandate strategy is clearly a risky one in this day and age. Having emerged from the fight in Virginia, Davis cautions those brave enough to take on the mandate issue to be vigilant: “Watch very closely every step of the way, until it’s a done deal.” ☉