

# NEW MEXICO STATE PROFILE

Prepared with an interest in protecting the health and innocence of children, this profile provides an overview of sex education in New Mexico, including:

- I. Chart showing [legal requirements for sex education](#) in this state
- II. [Profile of federal funding](#) the state has been awarded for sex education
- III. Chart of federally funded [programs/curricula used in state schools](#)
- IV. Overview of the state's [sex education legislation/guidelines](#)
- V. List of [how parental rights are being undermined](#) in this state
- VI. [News articles](#) regarding sex education in the state
- VII. [Opt-out form](#) to protect your child from comprehensive sexuality education (CSE)
- VIII. Suggestions for how you can [help protect child health and stop CSE](#)
- IX. [Resources](#) for up-to-date information about sex education in this state
- X. Contact information to [connect with others](#) who are concerned about this issue.



## I. LEGAL REQUIREMENTS FOR SEX EDUCATION IN NEW MEXICO

LEGISLATIVE REQUIREMENTS	YES	NO	N/A	LEGISLATIVE CODE
Sex Education Required				
Sex Education Optional		X		22-13-1(D, H)
<b>If/When Provided, Sexual Education Must:</b>				
Be Medically Accurate*			X	
Be Age Appropriate	X			22-13-1(H.1)
Be Evidence-based			X	
Be Culturally Appropriate and Unbiased			X	
Reference/Stress Abstinence**			X	6.12.2.10(C.3.e) (DOE guidelines)
Include HIV Education	—			State Board of Education (NMAC) 6.12.2.10,8 mandates. Not State Legislation
Be LGBTQ Inclusive			X	
Include safety against sexual abuse	X			22-12-1(H.1)
<b>Parental Role in Sexual Education:</b>				
Parents must be notified			X	
Parental Involvement	X			6.12.2.10(D) (DOE guidelines)
Opt-In			X	
Opt-Out Option			X	

\*See each state's definition of "medically accurate."

\*\*While requirement may say "abstinence-based" or to "stress abstinence" as the standard, many CSE programs only mention abstinence in passing; they don't establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS.

**Note:** This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, **check the Resources listed below for any updates.** Also, **please alert us** if you are aware of any changes, proposed legislation or issues regarding CSE that may be occurring in your state by completing the contact form at [StopCSE.org/new-mexico](http://StopCSE.org/new-mexico) or by emailing [StopCSE@FamilyWatch.org](mailto:StopCSE@FamilyWatch.org).



## II. NEW MEXICO SEX EDUCATION FEDERAL FUNDING PROFILE

### Federal Government Programs and Grants Awarded for New Mexico

***WARNING:*** While grant requirements may state that curricula/programs are to be “evidence based” or “medically accurate” in order to receive funding, research shows that, often, funds go to curricula/programs that are ineffective (See SexEdReport.org). In addition, content analyses show that many programs (Link to harmful CSE elements chart) normalize teen sex, encourage sexual pleasure-seeking, condone early sexual debut and promote high-risk sexual behaviors. ***It is important to look at the actual content of every curricula rather than relying on labels assigned to them.***

**DASH—Division of Adolescent and School Health**, a division of the Centers for Disease Prevention (CDC), works with community partners to provide training and resource development for so-called “HIV, STD, and pregnancy prevention” programs in school-based and community settings.

- New Mexico received DASH funds totaling \$400,000 in fiscal year 2016.

**PREP—The Personal Responsibility Education Programs**, under the Family and Youth Services Bureau (FYSB), provides grants for sex education programs that are sometimes called “abstinence plus” programs and that focus on “both abstinence and contraception.”

- New Mexico received PREP funds totaling \$316,467 in fiscal year 2017.<sup>i</sup>

**SRAE—Sexual Risk Avoidance Education** grants go to curricula/programs that emphasize risk avoidance and teach youth to voluntarily refrain from non-marital sexual activity and other risky behaviors. Note: See warning above.

- New Mexico received NO SRAE program funds in 2016.

**Title V—The TITLE V State Abstinence Education Grant Program** funds abstinence education and mentoring to promote abstinence. However, note that at least one Title V program promotes promiscuity as healthy and normal. As noted above, **it is important to look at the actual content of the curricula.**

- New Mexico received a Title V award totaling \$628,821 in fiscal year 2017.<sup>ii</sup>

**TPP—The Teen Pregnancy Prevention** program, through the Office of Adolescent Health (OAH), funds comprehensive sex education programs for children aged 10 to 19. Note:

Research shows that most TPP programs are ineffective at reducing pregnancy rates and some even increase risk. (See [SexEdReport.org](http://SexEdReport.org))

- New Mexico received \$1,000,000 in funding for years 2015-2019.<sup>iii</sup>

Note: New Mexico received \$375,375 in Tribal Personal Responsibility Education Programs federal funds in fiscal year 2016.



### III. FEDERALLY FUNDED SEX EDUCATION PROGRAMS IN NEW MEXICO

**Note:** Programs in **red** text have been analyzed and found to contain harmful content for children. Programs not in red may or may not have harmful content.

See examples exposing harmful content in various CSE curricula and materials at [www.stopcse.org/cse-materials-index/](http://www.stopcse.org/cse-materials-index/). For example, the analysis of [Making a Difference](#), shows CSE programs sexualize children and encourage promiscuity and risky sexual behavior, typically without providing medically accurate information about the long-term risks associated with early sexual debut and experimentation.

#### Federally Funded Sex Education Programs / Curricula in New Mexico

FUNDING SOURCE	PROGRAM OR CURRICULUM	FUNDING RECIPIENT
PREP	Project AIM Curricula	The New Mexico Department of Health, Boys & Girls Club of North Santa Fe and Rio Arriba Counties, Luna County
PREP	Teen Outreach Program	The New Mexico Department of Health, Navajo Preparatory School, Luna County
PREP	Discovery Dating	Tewa Women United (TWU)
PREIS	Native Stand	Capacity Builders, Inc.
TITLE V	Sex Can Wait	The New Mexico Department of Health
TITLE V	Above the Waist	The New Mexico Department of Health

See [stopcse.org/cse-materials-index/](http://stopcse.org/cse-materials-index/) for a menu of examples and analyses exposing the harmful elements to children of specific curricula and other CSE materials.



## **IV. OVERVIEW OF NEW MEXICO SEX EDUCATION LEGISLATION & GUIDELINES**

The following laws and guidelines apply to sex education and how sex education is taught in New Mexico.

### **According to (date) New Mexico Education Title 6<sup>iv</sup>**

Sex Education is not required (22-13-1)<sup>v</sup>

22-13-1.H All health education courses shall include:

(1) age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective;

### **According to State Board of Education NMAC 6-12-2-10, 8<sup>vi</sup>**

6.12.2.10 HUMAN IMMUNODEFICIENCY VIRUS (HIV)

A. This section applies to local school boards, local school districts, and charter schools and governs policies to be implemented by local school districts with regards to students and school employees infected with HIV, provides for appropriate curricula regarding HIV, and requires community involvement in the development of policies and the review of instructional materials. B. Each school district shall implement a policy that will ensure that all students infected with HIV have appropriate access to public education and that their rights to privacy are protected and to further ensure that the rights to privacy of all school employees infected with HIV are protected.

C. Curricula: (1) Each school district shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades. (2) Educational materials and grade levels of instruction shall be determined by the local school district and shall be appropriate to the age group being taught. (3) The instructional program shall include, but not necessarily be limited to: (a) definition of HIV and acquired immune deficiency syndrome (AIDS); (b) the symptoms and prognosis of HIV and AIDS; (c) how the virus is spread; (d) how the virus is not spread; (e) ways to reduce the risks of getting HIV/AIDS, stressing abstinence; (f) societal implications for this disease; (g) local resources for appropriate medical care; and (h) ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.

D. Community involvement. Each local board of education shall insure the involvement of parents, staff; and students in the development of policies and the review of instructional materials.

### **Age of Majority<sup>vii</sup> =**

Based on New Mexico law, anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

### **Age of Consent<sup>viii</sup> =**

In New Mexico the age when children can legally consent or agree to sex is 16.



## V. PARENTAL RIGHTS AT RISK IN NEW MEXICO

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**.

It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

Without notifying or receiving consent from their parents, minor children in New Mexico may consent to and receive:

- All contraceptive services
- All STI (sexually transmitted infection) services
- All prenatal care services
- All adoption services

In New Mexico, parental consent is required for:

- Abortion services (However, this policy is not currently in effect as a court order has permanently or temporarily set enforcement aside.)



## VI. NEWS HEADLINES FROM NEW MEXICO

**May 18, 2018 - Q&A: Lujan Grisham says early childhood ed will be 'hallmark'**  
<http://nmpoliticalreport.com/838258/qa-lujan-grisham-says-early-childhood-ed-will-be-hallmark/>

**March 27, 2018 – Agency looks to educate teens on sexual health via text**  
<https://www.kob.com/health-news/departments-of-health-sexual-health-text/4842048/>

**March 18, 2018 - Community Connections: Is the IUD right for me?**  
<https://www.steamboatpilot.com/news/community-connections-is-the-iud-right-for-me/>

**October 21, 2017 - "Rethinking Our Approach to Sex Education"**  
[http://www.santafenewmexican.com/opinion/my\\_view/rethinking-our-approach-to-sex-education/article\\_6cedc4c2-e3ca-55d7-a988-34b9fa21945c.html](http://www.santafenewmexican.com/opinion/my_view/rethinking-our-approach-to-sex-education/article_6cedc4c2-e3ca-55d7-a988-34b9fa21945c.html)



## VII. OPT-OUT FORM

By signing a parental non-consent form, also known as an opt-out form, parents can protect their children from being subjected to harmful CSE programs. Download and print the provided form and modify it as needed (see included instructions). Sign it and take it to your child's school, and ask that it be put on file as part of your child's permanent record and that all teachers and instructors be notified.

A sample opt-out form, provided by Liberty Counsel, along with instructions for use, can be found at: [stopcse.org/new-mexico](http://stopcse.org/new-mexico)



## VIII. GET INVOLVED TO STOP CSE

**You can get involved to stop CSE and protect the health and innocence of children across the U.S. and in countries around the world:**

1. Sign the Stop CSE petition at [stopcse.org/petition/](http://stopcse.org/petition/)
2. Watch the "War Against Children" documentary and share this link to the documentary with your friends and neighbors at [stopcse.org/film/](http://stopcse.org/film/)
3. Connect with others in your state who are working to Stop CSE in your schools to see how you can get involved. Go to [stopcse.org/new-mexico](http://stopcse.org/new-mexico) to connect.



## IX. RESOURCES

- New Mexico Statutes/Titles - <http://164.64.110.239/nmac/titles.htm>
- New Mexico Legislative Health Guidelines - <http://public.nmcompcomm.us/nmpublic/gateway.dll?f=templates&fn=default.htm>
- New Mexico State Board of Education mandates (not legislative mandate)- [https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/SHSB\\_NMAC6-12-2-10\\_HIV.Rule\\_.pdf](https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/SHSB_NMAC6-12-2-10_HIV.Rule_.pdf)
- New Mexico Legislation - <https://www.nmlegis.gov/>
- HIV-STI Prevention Program at New Mexico Public Education Department - <https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/hiv-sti-prevention-education-program/>
- Legislation websites by state - <https://www.congress.gov/state-legislature-websites>

- U.S. Department of Health and Human Resource TPPP page - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/current-grantees/index.html>
- U.S. Department of Health and Human Resource other state funding - <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>
- TPPP Funding - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>
- Abstinence Education Grant Program Medical Accuracy Guide - [https://www.acf.hhs.gov/sites/default/files/fysb/medical\\_accuracy\\_aegp.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/medical_accuracy_aegp.pdf)

#### Additional Resources:

- DOCUMENTARY: *The War on Children: The Comprehensive Sexuality Education Agenda* (FWI Documentary) – <https://stopcse.org>
- STUDY: Re-Examining the Evidence: School-based Comprehensive Sex Education in the United States (IRE Study) – [www.sexedreport.org](http://www.sexedreport.org)
- REPORT: An Evidence-Based Response to a Critique of Abstinence Education (IRE Report) - [https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE\\_Response\\_To\\_Santelli\\_Article\\_4-20-18.pdf](https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE_Response_To_Santelli_Article_4-20-18.pdf)



## X. CONNECT WITH OTHERS

Let us put you in contact with other people and organizations who are actively involved in helping to protect the health and innocence of children.

Fill out the contact form on [www.stopcse.org/new-mexico](http://www.stopcse.org/new-mexico) or email us your name, city, state, school district, and any questions or concerns you may have and we will put you in contact with people from your state or one of our national representatives.

**Email Address:** [StopCSE@familywatch.org](mailto:StopCSE@familywatch.org)

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<sup>i</sup> U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

<sup>ii</sup> U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

<sup>iii</sup> <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>

<sup>iv</sup> <http://164.64.110.239/nmac/ title06/title06.htm>

<sup>v</sup> <http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

<sup>vi</sup> [https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/SHSB\\_NMAC6-12-2-10\\_HIV.Rule\\_.pdf](https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/SHSB_NMAC6-12-2-10_HIV.Rule_.pdf)

<sup>vii</sup> <http://statelaws.findlaw.com/family-laws/legal-ages.html>

<sup>viii</sup> <https://www.legalmatch.com/law-library/article/age-of-consent-by-state.html?intakeredesigned=1>