

We All Have Rights

A Lesson Plan from *Rights, Respect, Responsibility: A K-12 Curriculum*

Fostering responsibility by respecting young people's rights to honest sexuality education.

NSES ALIGNMENT:

By the end of 12th grade, students will be able to:

PR.12.CC.3 – Identify the laws related to reproductive and sexual health care services, i.e., contraception, pregnancy options, safe surrender policies, prenatal care.

SH.12.CC.3 – Describe the laws related to sexual health care services, including STD and HIV testing and treatment.

TARGET GRADE: Grade 10
Lesson 3

TIME: 50 Minutes

MATERIALS NEEDED:

- Quiz: “What Are My Rights?” – one per student
- “Teacher’s Guide: What Are My Rights?” – one copy
- Homework: “Can I or Can’t I?” – one per student
- One sheet of flipchart paper with the heading, “Parking Lot” written on it
- At least one flipchart marker
- White board and markers
- Worksheet: “Who Did the Right Thing?” – one per student
- Extra pencils in case students don’t have their own
- Masking tape

ADVANCE PREPARATION FOR LESSON:

- Take the Teacher’s Guide – What Are My Rights? and go to the websites as indicated in order to fill in the correct information about the laws in your state and resources in your area.
- Take a sheet of newsprint paper and write, “Parking Lot” at the top in large letters. Post it at the front of the room but over to the side so that you can access it easily but not have it be the main focus during the lesson.

LEARNING OBJECTIVES:

By the end of this lesson, students will be able to:

1. Describe at least three laws in their state relating to minors’ rights and sexual and reproductive health. [Knowledge]
2. Identify at least one belief they have relating to sexual and reproductive decision-making. [Knowledge, Affect]
3. Apply their knowledge and self-reflection to accessing reliable, accurate information about sexuality- and reproductive health-related laws. [Knowledge, Skill]

A NOTE ABOUT LANGUAGE:

Language is really important and we’ve intentionally been very careful about our language throughout this curriculum. You may notice language throughout the curriculum that seems less familiar - using the pronoun “they” instead of “her” or “him”, using gender neutral names in scenarios and role-plays and referring to “someone with a vulva” vs. a girl or woman. This is intended to make the curriculum inclusive of all genders and gender identities. You will need to determine for yourself how much and how often you can do this in your own school and classroom, and should make adjustments accordingly.

PROCEDURE:

STEP 1: Say, “When it comes to sexuality, there are some situations in which, as teens you have rights – even though you’re under the age of 18. There are also, however, some issues in which your parents/ caregivers need to legally be involved. Today’s class will start by taking a look at some of the legal rights you have relating to sexual and reproductive health.”

Tell students that, because this is such a complex topic, there may be some questions or issues that come up that you will need to get some

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more information about before responding to them. Point out the “parking lot” newsprint sheet that you posted before they came in. Explain that if something is raised that you need a bit more research to answer, you or someone in the class can put it up on the parking lot and you’ll find the information and share it during the next class.

Distribute the “What Are My Rights?” quiz, but ask them not to put their names on it. Tell them that it is designed to get a sense of what they do and don’t know coming into this class. Tell them they have about 5 minutes in which to complete the quiz, and that if they don’t know the answer, they can simply guess. (7 minutes)

STEP 2: Go through the responses using the Teacher’s Guide: What Are My Rights? Answer any questions students may have, writing any questions to which you don’t know the answers up on the Parking Lot.

***Note to the Teacher:** Depending on your school’s policy on handheld device use during class, you may also wish to ask students to find some of the answers by searching for them online right then. (12 minutes)*

***Note to the Teacher:** Many of the laws relating to sexual and reproductive health and rights relate to abortion, and can be sensitive to discuss, especially given different religious and personal values and beliefs in the classroom. If these start to come up during the discussion of the quiz, reassure students that they will have the opportunity to talk about them more in the activity that follows.*

STEP 3: Tell the students they are now going to take some of these facts and consider them when they are used in a real-life situation.

Distribute the worksheet, “Who Did the Right Thing?” Ask for students to volunteer to read each of the paragraphs aloud, alternating students per each paragraph. Once the story has been read, instruct the students to decide which of the characters they think did the right thing in this situation. (7 minutes)

STEP 4: Once everyone has recorded their ratings, divide the class into groups of 4. Once they have gotten into groups of 4, instruct them to discuss who they think did the right thing, and to try and reach agreement on the ratings. Explain to students that they can change their vote at anytime, but that they should only do so if they truly agree. Tell the class they will have about 8 minutes in which to do this. (9 minutes)

STEP 5: After about 8 minutes, stop the small group discussions. Ask, “How many groups were able to agree on their rating?” Go around the room and ask the groups to state who they felt was the most just. List the names of the characters on the board who are ranked as most just, along with a checkmark next to them to indicate additional rankings.

Ask students to explain why they rated the characters as they did.

***Note to the Teacher:** Your job during this part of the activity is to make sure students disagree respectfully, and that everyone who wishes to speak gets to speak. You also are to play the role of devil’s advocate, using the facts from the quiz as relevant, or simply by posing hypothetical, “what if?” questions. (For example, “What if Victor wasn’t opposed to using birth control, would you change his rating then?”)*
(13 minutes)

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STEP 6: Say, “As in many situations, there is agreement on some things and disagreement on others. Because people have very strong values and beliefs around lots of things relating to sexuality – not just about decisions relating to a pregnancy – it’s really important to know the information you need to make the right decisions for you.

A really challenging thing we need to figure out is the difference between having rights and doing what’s right. When we are in relationships, we need to think about what both of our rights are, and what our responsibilities are to each other as well as to ourselves. For example, Stephanie has the right to go on birth control without telling Victor – it is her body, and she wants to protect it herself. Does it mean that it’s right for her to not share her decision with Victor? That’s part of what we were just discussing – and again, what we need to think about both now and in the future.

In the end, communication in relationships is so important so that both people’s needs and rights are recognized, considered and respected.”

Explain and distribute the homework, and close class (2 minutes).

RECOMMENDED ASSESSMENT OF LEARNING OBJECTIVES AT CONCLUSION OF LESSON:

The quiz and homework assignment will both achieve the first learning objective. The in-class worksheet and group work will achieve the second learning objective. The homework assignment will achieve the third learning objective.

HOMEWORK:

A list of questions relating to their legal rights in their state, reinforcing the range of choices they have relating to their sexual and reproductive health.

Note: *The format of “Who Did the Right Thing” has been used in other curricula and programs over the years. The content of the activity in this lesson, however, is an original version for this curriculum.*

Worksheet: Who Did the Right Thing?

INSTRUCTIONS: Read the following scenario. Think about the role each person played in the situation and decide who you think did the right thing. Once you have decided your rating, indicate it below by placing a check mark in the appropriate space.

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Stephanie is in the 10th grade. She has been in a relationship with Victor since the beginning of the school year, and they have been having sex almost since the beginning, and while they've both really been enjoying it, Stephanie's really worried about getting pregnant since they have not been using birth control.

Victor's religion does not believe in birth control, and he won't use condoms because he says sex doesn't feel as good when he uses them. He thinks if Stephanie ends up getting pregnant it would be fine – he has other friends who have babies, and they like having a kid.

Both Stephanie and Victor had previous sex partners before they became a couple, but neither has ever been tested for STDs. When Stephanie suggests to Victor they get tested, he accuses her of saying he's dirty – and anyway, he says, "If you end up with an STD I'll know you cheated on me, because I know I don't have one."

Stephanie goes to her best friend, Alex, who is constantly telling Stephanie to break up with Victor. Alex tells her that Victor is a jerk and that she needs to choose – her relationship with Victor or her friendship with Alex. She chooses Victor – partly because she's so mad that Alex would make her choose between them.

Stephanie decides to go on birth control without telling Victor. She goes to her family doctor, who she's been seeing since she was a child, and asks for a prescription for birth control pills. Her doctor stares at her for a few minutes then says, "I thought you were a good girl." Shaking his head, he writes the prescription for the pill, which she has filled. The pharmacist says, "Be sure to start these on the Sunday after you start your next period." Stephanie says, "I have really irregular periods – I didn't even have one last month." The pharmacist suggests Stephanie take a home pregnancy test just to be safe, which she does when she gets home – and finds out she's pregnant.

Stephanie is desperate to talk with Alex about this, but he's not speaking to her. She does not want to have a baby – she's planning to go to college, and she thinks this will have a real impact on whether she can do this. She doesn't want to place the baby for adoption and besides she knows that if she continues the pregnancy, Victor will never let her place the baby for adoption. And how can she live knowing she has a child who's being raised without her?

Stephanie decides the best decision for her is having an abortion. She does not feel like she can tell Victor, because he will definitely be against it. So she looks online and finds a clinic near her called "LifeSupport." When she gets there, the person who works there shows her pictures of babies and asks her why she doesn't want to keep the baby – she tells Stephanie she is old enough to have one, and she is lucky to have a partner who would support her. She tells Stephanie that she is not, however, old enough to get an abortion in their state without parental consent, and that if she tries to, she can be arrested and put in jail until the baby's born. And then she'll never see the baby again.

Stephanie leaves the clinic confused and really upset. Victor keeps texting her to see what's going on, but she doesn't answer. When she gets home, her mother and Victor are waiting for her in the living room. Stephanie sees the pregnancy test she took on the table and realizes she didn't hide it well enough in the garbage. It's really awkward and her Mom looks at the pregnancy test and then at Stephanie and says, "We need to talk."

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Who in the story do you think did the right thing?

_____ Stephanie _____ Victor _____ Family doctor

_____ Alex _____ LifeSupport staff

Quiz: What Are My Rights?

1. If a teen becomes pregnant, who has the right decide what the outcome of the pregnancy will be?
 - a. Only the pregnant teen
 - b. The pregnant teen and their parents
 - c. The pregnant teen's partner
 - d. The pregnant teen and their partner
2. Up until when in a pregnancy does someone have the right to have a legal abortion?
 - a. It is only legal in the first trimester (up until 12 weeks)
 - b. It is legal anytime during the pregnancy
 - c. It is legal in the first trimester, and in some states, into the second trimester
 - d. It is legal only during the first 7 weeks
3. Do teens have the right to get birth control from a clinic without parental permission or notification?
 - a. No
 - b. Yes
 - c. It depends on the teen's age
 - d. It depends how the clinic is funded
4. Do teens have the right to buy external or internal condoms at a store no matter their age?
 - a. No
 - b. Yes
 - c. It depends on the teen's age
 - d. It depends on a state's law and the type of contraception
5. If someone gives birth to a baby, but realizes that they don't want to be a parent and knows they don't have family help to take care of the baby, what choices do they have?
 - a. They can bring the baby to a hospital or police station or other "safe house" without getting into trouble
 - b. They can bring the baby to a hospital, but have to do so anonymously so they don't get in trouble
 - c. They must remain the baby's parent and keep it
 - d. They must find another family themselves who will adopt the baby
6. Can a transgender minor begin taking hormones without a parent's permission?
 - a. Yes – as long as they are 13 or older
 - b. No
 - c. Yes – as long as they can pay for it themselves
 - d. They can if it's testosterone, but not if it's estrogen
7. If someone over the age of 17 has sex with a person who is under the age of 17, is it against the law?
 - a. No
 - b. Only if it is their first time having sex, depending on the state they live in
 - c. Yes
 - d. It depends on the age of the younger, and on the state they live in
8. Does a teen have the right to get tested for STDs at a clinic without their parents' permission or consent?
 - a. Yes
 - b. Only if they are being tested for a viral infections, like HIV or HPV
 - c. Only if they have already had an STD
 - d. No

Teacher's Guide: What Are My Rights?

1. If a teen becomes pregnant, who has the right to decide what the outcome of the pregnancy will be?

a. The pregnant teen

Although a pregnant teen (or person of any age!) may find it useful to speak with their partner (if they are in a relationship) or a parent, caregiver or other trusted adult about their decision, in the end it is that person's legal decision about what to do.

In some cases, however, the decision they make may require parental consent or notification. For example, in our state, a teen who chooses to have an abortion must [have parental consent, notify one or both parents – fill in the information relating to your state from http://www.guttmacher.org/statecenter/spibs/spib_PIMA.pdf]. In most cases, states that require parental consent or notification also have alternate legal procedures in place for teens. For example, a teen can go to a judge to have permission granted to have the abortion. This is called “judicial bypass.”

2. Up until when in a pregnancy does someone have the right to have a legal abortion?

a. It is legal in the first trimester, and in some states, into the second trimester

Nationwide, abortion is legal through the first 12 weeks or first trimester of pregnancy. Different states, however, have different laws about when after that abortion can no longer be done – or when it can be done but requires a second physician to be involved in the procedure. This often depends on what's called “fetal viability,” or when a fetus could survive on its own outside of the uterus. In our state, the law says that [fill in the law information from http://www.guttmacher.org/statecenter/spibs/spib_PLTA.pdf].

3. Do teens have the right to get birth control from a clinic without parent permission or notification?

a. It depends how the clinic is funded

Most states have laws that permit minors (people under the age of 18) to obtain contraceptive methods without parental consent or notification. A few states, however, don't specify contraceptive methods but just refer to access to healthcare in general. Generally speaking, most clinics who provide contraception receive funding from the federal government under something called “Title X” (that's Roman numeral ten, not an “x”), but most private doctors do not receive Title X funding. If a clinic receives Title X funding they must provide contraception without a parent/ caregiver's consent. It's always a good idea to ask, when making an appointment or when you arrive at the clinic, what their policy is about parental consent.

In addition, methods that are designed to be permanent – like vasectomy and tubal ligation (sterilization) are not available in the US for people under the age of 18. This is considered the legal age at which a person can consent to have any kind of surgical procedure, and these methods would fall under that category.

4. Do teens have the right to buy external or internal condoms at a store no matter their age?

b. Yes

Some adults may disagree with the idea of young people having sex, rather than being impressed by how responsible they are being by knowing they need to use condoms of some kind to protect against STDs and/or pregnancy. If a store owner were to say, “No, you're too young” to someone under the age of 18, that person needs to clearly, but respectfully, inform that person that they have a legal right to purchase condoms – there is no minimum age requirement.

5. If someone gives birth to a baby, but realizes that they don't want to be a parent and knows they don't have family help to take care of the baby, what choices do they have?

a. They can bring the baby to a hospital or police station or other “safe house” without getting into trouble

All 50 states have what are called “safe haven” or “safe surrender” laws that allows someone who has given birth but cannot care for the baby the opportunity to bring the baby to a designated place without being arrested for child abandonment. Each state and area will have designated a different place – and will have a maximum age for the baby, after which time the law no longer applies. In our state, the law is [look up and provide the law for your state from <https://www.childwelfare.gov/pubpdfs/safehaven.pdf>]

6. Can a transgender minor begin taking hormones without a parent's permission?

b. No

A parent or caregiver must consent to a transgender minor - a person under 18 -beginning hormones that will help that young person transition from the sex they were assigned at birth to their true gender identity. One of the reasons for this is that the hormones are expensive, as is the pre-care and therapy that many young people will have in preparation for taking hormones.

Some trans young people, however, do not live with their parents or caregivers – or were kicked out of their homes because they are trans. These young people may end up accessing hormones on the street – which is a very risky practice, both in terms of the quality of hormone and the potential for sharing needles. Some health clinics serving trans youth will try to intervene in order to serve the young person and keep them safe – but, again, it is expensive to do so and cannot be expected at all youth health centers, clinics or doctors' offices.

7. If someone has sex with a person who is under the age of 17, is it against the law?

d. It depends on the age of the younger person, and on the state they live in

Most, but not all, states in the U.S. have an “age of consent” law. That's the age at which the law says a young person is legally able to consent to have sex with another person. The age of consent ranges from 16 to 18. In some states it is illegal for two people under the age of consent to have sex, even if they were both the same age. Other states allow sex between two people if the older of the two is within a certain age range. For example, in Alabama, the age of consent is 16; the allowable age span relating to that is 2 years. So if a 17-year-old and a 15-year-old had sex, it would not be seen as against the law. But if a 17-year-old and a 14-year-old had sex, the older person would have committed statutory rape. “Statutory” means “legal” – so there does not have to be a physical assault or force involved for it to be rape under this law.

8. Does a teen have the right to get tested for STDs at a clinic without their parents' permission or consent?

a. Yes

A teenager should always ask the clinic's policy on consenting to a service and confidentiality of test results. The only thing a teen needs to keep in mind is that if they plan to pay for their tests using their parents' or caregivers' health insurance, the parent(s) or caregiver(s) will know that the test has been done. Many clinics will offer low-cost or free testing to teens and will make sure the services done are completely confidential.

Homework: Can I, Or Can't I?

Name: _____ Date: _____

INSTRUCTIONS: At the bottom of this sheet are several websites at which you can access the answers to the questions listed on this sheet. Please use those sites to complete this assignment in the space provided.

1. Do I need to get my parents' permission to get birth control at a clinic?
2. If I/my partner want to have an abortion, but live in a state where I/they can't get one, what are the options?
3. If I/my partner wants to have a baby, can someone's parents/caregivers force them to get an abortion or place the baby for adoption?
4. Are there any sexual behaviors that are illegal for me to do at my age?
5. If I /my partner is a young parent, can we make medical decisions for our own child?

SOURCES:

http://www.guttmacher.org/statecenter/spibs/spib_PLTA.pdf
http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf
http://www.guttmacher.org/statecenter/spibs/spib_MRP.pdf
<http://www.legalmatch.com/law-library/article/abortion-rights-of-minors.html>
<http://www.legalmatch.com/law-library/article/statutory-rape-the-age-of-consent.html>